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THE

PUBLIC GENERAL STATUTES.

44 & 45 VICTORIÆ, 1881.

STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH

LONDON: 52, CAREY STREET, W.C.

1881.

THE PUBLIC GENERAL STATUTES, 1881.

44 & 45 VICTORIÆ.

[STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to apply the sum of Two million five hundred thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-one. [17th February 1881.

CAP. II.

An Act to remove Doubts as to the operation and effect of so much of the Burial Laws Amendment Act, 1880, as relates to the Births and Deaths Registration Act, 1874. [17th February 1881.

Whereas doubts have arisen as to the operation and effect of the eleventh section of the Burial Laws Amendment Act, 1880, by reason of a clerical error in the first sentence thereof; and it is expedient that such doubts should be removed:

Be it declared and enacted, &c.:

1. *Explanation of* 43 & 44 *Vict. c.* 41, *s.* 11.—37 & 38 *Vict. c.* 88.—43 & 44 *Vict. c.* 41.] Nothing in the eleventh section of the Burial Laws Amendment Act, 1880, shall have, or be deemed in law to have had, the effect of repealing, or in any manner altering, any of the provisions contained in the seventeenth section of the Births and Deaths Registration Act, 1874, in any case whatever, save and except only the case of a burial under the Burial Laws Amendment Act, 1880.

2. *Construction of* 43 & 44 *Vict. c.* 41, *s.* 11.] The words "in the case of a burial under that Act" in the first sentence of section eleven of the Burial Laws Amendment Act, 1880, shall be construed and read as if they had been "in the case of a burial under this Act."

3. *Short title.*] This Act may be cited as the Burial and Registration Acts (Doubts Removal) Act, 1881.

CAP. III.

An Act to further improve the Administration of Justice in the Judicial Committee of the Privy Council. [17th February 1881.

Whereas it is expedient that further provision should be made for the administration of justice in the Judicial Committee of the Privy Council:

Be it therefore enacted, &c.:

1. *Lords Justices of Appeal to be members of Judicial Committee.*] Every person holding or who has held in England the office of a Lord Justice of Appeal shall, if a member of Her Majesty's Privy Council in England, be a member of the Judicial Committee of the Privy Council.

2. *Short title.*] This Act may be cited as the Judicial Committee Act, 1881.

CAP. IV.

An Act for the better Protection of Person and Property in Ireland. [2nd March 1881.

CAP. V.

An Act to amend the Law relating to the carrying and Possession of Arms, and for the Preservation of the public Peace in Ireland. [21st March 1881.

CAP. VI.

An Act to provide for an Annual Return of Rates, Taxes, Tolls, and Dues levied for local purposes in Scotland. [29th March 1881.

CAP. VII.

An Act to authorise the Secretary of State for India in Council to sell a piece of land in Charles Street, Westminster, to the Commissioners of Her Majesty's Works and Public Buildings for the Public Service. [29th March 1881.

CAP. VIII.

An Act to apply certain Sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two. [29th March 1881.

CAP IX.

An Act to provide during twelve months for the Discipline and Regulation of the Army. [8th April 1881.

Whereas the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and thirty-four thousand and sixty men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be

quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Discipline and Regulation Act, 1879, will expire—

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April one thousand eight hundred and eighty-one; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July one thousand eight hundred and eighty-one; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December one thousand eight hundred and eighty-one:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Army Discipline and Regulation (Annual) Act, 1881.

2. *Army Discipline and Regulation Act* (42 & 43 *Vict. c.* 33)*: to be in force for specified times.*] The Army Discipline and Regulation Act, 1879, shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(1.) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-one to the thirtieth day of April one thousand eight hundred and eighty-two, both inclusive; and

(2.) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-one to the thirty-first day of July one thousand eight hundred and eighty-two, both inclusive; and

(3.) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-one to the thirty-first day of December one thousand eight hundred and eighty-two, both inclusive;

and the day from which the Army Discipline and Regulation Act, 1879, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

The Army Discipline and Regulation Act, 1879, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

A person subject to military law shall not be exempted from the provisions of the Army Discipline and Regulation Act, 1879, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

3. *Prices in respect of billeting*—42 & 43 *Vict. c.* 33.] There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Discipline and Regulation Act, 1879, the prices specified in the schedule to this Act.

AMENDMENTS OF ARMY DISCIPLINE AND REGULATION ACT, 1879.

4. *Summary punishment.*] (1.) On and after the commencement of this Act, where a soldier on active service is guilty of an aggravated offence of drunkenness, or of an offence of disgraceful conduct, or of any offence punishable with death or penal servitude, it shall be lawful for a court-martial to award for that offence such summary punishment other than flogging as may be directed by rules made from time to time by one of Her Majesty's Principal Secretaries of State; and such summary punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb, and shall not be inflicted where the confirming officer is of opinion that imprisonment can with due regard to the public service be carried into execution.

(2.) The said summary punishment shall not be inflicted upon a non-commissioned officer or upon a reduced non-commissioned officer, for any offence committed while holding the rank of non-commissioned officer.

(3.) "An aggravated act of drunkenness" for the purposes of this section, means drunkenness committed on the march or otherwise on duty, or after the offender was warned for duty, or when by reason of the drunkenness the offender was found unfit for duty; and notwithstanding anything contained in the Army Discipline and Regulation Act, 1879, it shall not be incumbent on the commanding officer to deal summarily with such aggravated offence of drunkenness.

(4.) "An offence of disgraceful conduct" for the purposes of this section means any offence specified in section eighteen of the Army Discipline and Regulation Act, 1879.

(5.) For the purpose of commutation of punishment the summary punishment above mentioned shall be deemed to stand in the scale of punishments next below penal servitude.

(6.) Any punishment which may, in pursuance of the Army Discipline and Regulation Act, 1879, be awarded in addition to imprisonment, may also be awarded in addition to a summary punishment under this section.

5. *Summary court-martial.*] (1.) Where a person subject to military law and being on active service with any body of forces is charged, on and after the commencement of this Act, with an offence against the Army Discipline and Regulation Act, 1879, a summary court-martial may be convened and shall have jurisdiction to try such offence, if the officer convening the court is of opinion that an ordinary court-martial cannot, having due regard to the public service, be convened to try such offence.

(2.) A summary court-martial shall be convened and constituted, and the members and witnesses sworn, and its proceedings conducted, and its finding and sentence confirmed in such manner as may be provided by this section and rules from time to time made in pursuance of the Army Discipline and Regulation Act, 1879, as amended by this Act; and sections fifty to fifty-four (both inclusive) of that Act shall not apply to such court-martial, provided that,—

(*a.*) A summary court-martial shall consist of not less than three officers, unless the officer convening the same is of opinion that three officers are not available, having due regard to the public service, in which case the court-martial may consist of two officers; and

(*b.*) Where a summary court-martial consists of less than three officers the sentence shall not exceed such summary punishment as is allowed by this Act, or imprisonment; and

(*c.*) A sentence of death or penal servitude awarded by a summary court-martial shall not be carried into effect unless and until it has been confirmed by the general or field officer commanding the force with which the prisoner is present at the date of his sentence.

6. *Abolition of corporal punishment.*] On and after the commencement of this Act there shall be repealed so much of the Army Discipline and Regulation Act, 1879, as prescribes corporal punishment for offences committed by persons subject to military law and convicted of such offences by court-martial; also so much of section seventy-two of the said Act as relates to field general courts-martial, without prejudice to anything done or suffered in pursuance of the said section, and the finding and sentence of any such court held before the commencement of this Act may be confirmed and carried into effect after such commencement.

7. *Rules made in pursuance of this Act to be laid before Parliament.*] All rules made in pursuance of this Act shall be laid before Parliament as soon as practicable after they are made, if Parliament be then sitting, and if Parliament be not then sitting, as soon as practicable after the beginning of the then next session of Parliament.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Twopence halfpenny per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Discipline and Regulation Act, 1879.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer.	Two shillings per night.

Note.—An officer shall pay for his food.

CAP. X.

An Act for the transfer of Property held for the Use and Service of the Inland Revenue to the Commissioners of Her Majesty's Works and Public Buildings, and for other purposes. [3rd June 1881.

Be it enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Inland Revenue Buildings Act, 1881.

2. *Lands, &c., in the United Kingdom for the service of the Inland Revenue to vest in Commissioners of Works.*] All manors, messuages, buildings, lands, tenements, and hereditaments of freehold or leasehold tenure in the United Kingdom which are now vested in the secretary or joint secretaries to the Commissioners of Inland Revenue, or any other person, in trust for Her Majesty, her heirs and successors, for the use and service of the Inland Revenue, shall become and are hereby vested in the Commissioners of Her Majesty's Works and Public Buildings (herein-after called the Commissioners of Works) for the public service, and shall be subject to the provisions of the Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, in all respects as if the same had been acquired under the provisions of that Act.

3. *Copyholds now vested in Commissioners of Inland Revenue to remain so, but in trust for Commissioners of Works.*] All lands of copyhold or customary tenure which are now vested in the secretary or joint secretaries to the Commissioners of Inland Revenue, or any other person, in trust for the same Commissioners, or for the service of the Inland Revenue, shall remain vested in such secretary or joint secretaries, or other person, but in trust for the Commissioners of Works for the public service, and shall be subject to the provisions of the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, in all respects as if the same had been acquired under the provisions of that Act.

4. *As to completion of existing contracts.*] All contracts entered into by or on behalf of the Commissioners of Inland Revenue in respect of any lands or hereditaments in the United Kingdom for the service of the Inland Revenue, and not at the passing of this Act fully performed and completed, may be enforced, and shall be performed and completed for the public service, in like manner as if the Commissioners of Works had been parties thereto instead of the Commissioners of Inland Revenue.

5. *Commissioners of Works empowered to purchase lands, &c.—Incorporation of* 8 & 9 *Vict. c.* 18, *and* 8 & 9 *Vict. c.* 19, *&c.*] The Commissioners of Works shall, under and subject to the provisions of the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, from time to time purchase, hire, or otherwise acquire such buildings, lands, or other hereditaments as may be necessary for the service of the Inland Revenue within the United Kingdom; and for the purposes of any such purchase the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts extending and amending the same respectively, except so much thereof as relates to the purchase of land otherwise than by agreement, are hereby incorporated with this Act, the special Act being construed to mean this Act, and the promoters of the undertaking being construed to mean the Commissioners of Works.

6. *Purchases, &c., subject to provisions of* 15 & 16 *Vict. c.* 28.] Every purchase, sale, exchange, or lease by the Commissioners of Her Majesty's Works under this Act shall be deemed to be a purchase, sale, exchange, or lease under the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight.

Provided that it shall not be necessary for any vendor, purchaser, lessor, or lessee to ascertain that the consent of the Commissioners of Her Majesty's Treasury to the purchase, sale, exchange, or lease by the Commissioners of Works has been given.

CAP. XI.

An Act to further amend the law relating to Sea Fisheries by providing for the protection of Clam and other Bait Beds. [3rd June 1881.

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Sea Fisheries (Clam and Bait Beds) Act, 1881.

2. *Power of Board of Trade by Provisional Order to protect bait beds from injury by beam trawls*—41 & 42 *Vict. c.* 73.] Where the Board of Trade, on such application and after such local inquiry as in this Act mentioned, are satisfied that the unrestricted use of beam trawls in any area being part of the sea adjoining the United Kingdom, and within the territorial waters of Her Majesty's dominions, within the meaning of the Territorial Waters Jurisdiction Act, 1878, is injurious to any clam or other bait bed in that area, the Board of Trade may make an order for restricting or prohibiting or for empowering the authority named therein to restrict or prohibit, either entirely or subject to such regulations as may be provided by the order, the use of any beam trawl for taking sea fish within the area named in the order during such term of years, or during such period either in every year or in a term of years, as is limited by the order.

The Board of Trade may, by any such order, provide for enforcing the order, and any restriction, prohibition, or regulation contained therein, by fines not exceeding twenty pounds for each offence; and the authority empowered by the order may be any person or body of persons corporate or unincorporate, and may, if it seem expedient, be constituted by the order.

An order under this section shall be subject to such confirmation by Parliament or otherwise as in this Act mentioned.

3. *Persons who may apply for order.*] An application to the Board of Trade for an order under this Act in relation to any locality may be made by memorial in that behalf presented to the Board of Trade by any persons appearing to the Board of Trade to represent the fishermen of the locality, or by any of the following authorities, if they appear to the Board of Trade to be interested in the fisheries of the locality; namely,

The justices of a county in general or quarter sessions assembled, or in Scotland the commissioners of supply of any county;

A town council or other urban sanitary authority;

A rural sanitary authority; and

Any body corporate, persons or person being or claiming to be proprietors or proprietor of or entrusted with the duty of improving, managing, maintaining, or regulating any harbour.

4. *Application of provisions of* 31 & 32 *Vict. c.* 45, *relating to orders of the Board of Trade.*] For the purposes of an order under this Act, and the local inquiry, confirmation, and other matters in reference thereto, sections thirty to thirty-nine (both inclusive), sections forty-two and forty-three, section forty-six, and sections forty-eight to fifty (both

inclusive), of the Sea Fisheries Act, 1868, shall apply as if those sections were re-enacted in this Act with the necessary modifications; and with the substitution of the applicants for an order under this Act for "the promoters."

Provided, that where an order made under this Act either is limited to an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition against the order by any local authority or persons affected thereby is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the order for confirmation to Her Majesty in Council; and every such order, if confirmed by Her Majesty in Council, shall have full operation as if it had been confirmed by Parliament.

5. *Power to determine order.*] An order made under this Act, and confirmed by Order in Council, may, notwithstanding anything in the order, be determined either wholly or partially at any time by Her Majesty in Council on the representation of the Board of Trade (which the Board may make after such inquiry as they may think necessary); and the authority empowered by the order shall not be entitled to any compensation in respect of such determination or in respect of any expenses incurred by them in acting or with a view to act under the order.

6. *Power in order under* 31 & 32 *Vict. c.* 45 *to deal with order under this Act.*] An order made by the Board of Trade under Part III. of the Sea Fisheries Act, 1868, may, if the Board see fit, contain provisions repealing or amending all or any of the provisions contained in an order made under this Act.

7. *Extent of Act.*] This Act shall not extend to Ireland, but may be extended to the Isle of Man, if an Act shall be passed by the Legislature of the said Isle adopting the same.

8. *Recovery of fines.*] All fines and proceedings under this Act, or under any order made and confirmed in pursuance of this Act, may be recovered and taken in the same manner as fines and proceedings are recovered and taken under the Sea Fisheries Act, 1868, and any Act amending the same.

9. *Interpretation.*] In this Act, unless the context otherwise requires, the expression "beam trawl" means a net commonly known as a beam trawl net, and any other engine or instrument (not being a dredge for oysters) which is used or capable of being used for dragging along the bottom of the sea for the purpose of taking fish.

CAP. XII.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[3rd June, 1881.

ARRANGEMENT OF SECTIONS.

Section
1. Short title.

PART I.

CUSTOMS AND EXCISE.

As to Customs.

2. Import duties on tea.
3. Alteration of customs duties on beer.
4. Drawback on the exportation of imported beer.
5. Provisions as to importation of beer.
6. Beer imported may be exported.
7. Alteration of duties on spirits imported.
8. Mode of testing in case of obscuration.
9. Time and place for landing goods inwards.
10. Time and places for landing and shipping coastwise.
11. Specifications for free goods six days after clearance. Forms Nos. 8 and 9. Except as to salmon.
12. Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them. Rescuing goods. Rescuing persons. Assaulting or obstructing officers. Attempting the foregoing offences. Penalty.
13. Certain sections of this Act incorporated in 39 & 40 Vict. c. 36.

As to Excise.

14. Brewer's licence. Annual value of house exceeding ten pounds and not exceeding fifteen pounds.
15. Provisions with regard to brewers other than brewers for sale.
16. Allowance granted to rectifiers and compounders on spirits exported

Miscellaneous.

17. Provisions as to warehousing foreign wine in an excise warehouse.
18. Goods liable to a duty of customs or excise may be warehoused in a customs or excise warehouse.

PART II.

TAXES.

19. Grant of duties of income tax.
20. Provisions of Income Tax Acts to apply to duties hereby granted.
21. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.
22. Assessment of income tax under schedules (A) and (B), and of the inhabited house duties for the year 1881-82, 32 & 33 Vict. c. 67.
23. Particulars to be stated in collectors receipts.
24. Interpretation of "servant" and "other person" in exemption from inhabited house duty.
25. Amendment of 43 & 44 Vict. c. 19, s. 53.

PART III.

STAMPS.

As to Probate and Legacy Duties and Duties on Accounts.

26. Stamp duties to be under the care and management of the Commissioners of Inland Revenue.
27. Grant of duties in respect of probate and letters of administration, and on inventories.
28. Power to deduct debts and funeral expenses where deceased died domiciled in the United Kingdom.
29. As to forms of affidavit.
30. Probate or letters of administration to bear a certificate in lieu of stamp duty.
31. Provision for return of duty overpaid.
32. Provision for payment of further duty.
33. Provisions as to obtaining probate, &c., where gross value of estate does not exceed three hundred pounds.
34. Provision as to inventories where gross value of estate does not exceed three hundred pounds.
35. Provision in case of subsequent discovery that the value of estate exceeded three hundred pounds.
36. Relief from legacy duty in cases under three hundred pounds.
37. Power to Commissioners to require explanations and proof in support of affidavit or inventory.
38. Grant of duties on accounts of certain property.
39. Delivery of accounts on oath.
40. Double duty payable in case of default.
41. Cesser of legacy and succession duties at the rate of one per cent. in certain cases.
42. Charge of legacy duty on legacies not amounting to twenty pounds.
43. Power to Commissioners to accept composition for legacy duty under a will.

Miscellaneous.

44. Amendments of 33 & 34 Vict. c. 97.
45. Stamp duty on transfers of county stock.
46. Stamp duty on stock certificates to bearer.
47. Stamp duties of one penny may be denoted by postage stamps and vice versâ.
48. Repeal of enactments in schedule.

SCHEDULE.

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Customs and Inland Revenue Act, 1881.

PART I.

CUSTOMS AND EXCISE.

As to Customs.

2. *Import duties on tea.*] The duties of customs now chargeable upon tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and eighty-one, until the first day of August one thousand eight hundred and eighty-two, on the importation thereof into Great Britain or Ireland; (that is to say,)

Tea, the pound . . . . Sixpence.

3. *Alteration of customs duties on beer*—39 & 40 *Vict. c.* 35.] In lieu of the duties of customs now payable under the Customs Tariff Act, 1876, on beer and ale, there shall be paid and charged the duties following; (that is to say,)

For every thirty-six gallons of beer of the descriptions called mum, spruce, or black beer,

Where the worts thereof were before fermentation of a specific gravity—

	£	s.	d.
Not exceeding one thousand two hundred and fifteen degrees	1	6	0
Exceeding one thousand two hundred and fifteen degrees	1	10	6

For every thirty-six gallons of beer of any other description

Where the worts thereof were before fermentation of a specific gravity of—

One thousand and fifty-seven degrees	0	6	6

And so in proportion for any difference in gravity.

4. *Drawback on the exportation of imported beer*—43 & 44 *Vict. c.* 20.] In respect of all beer imported or brought into Great Britain or Ireland, and subsequently exported as merchandise, or shipped for use as ship stores, or removed to the Isle of Man, and on which beer the duties of customs under this Act shall have been paid, there shall be allowed and paid the drawback under section thirty-six of the Inland Revenue Act, 1880, upon the exportation of beer brewed in the United Kingdom.

5. *Provisions as to importation of beer.*] (1.) The importer of any beer into Great Britain or Ireland, or his agent, and any person bringing in beer into Great Britain or Ireland from the Isle of Man, or his agent, shall deliver to the proper officer of customs at the place at or to which the beer is so imported or brought in, a declaration of the original gravity of the worts from which the beer was brewed, such declaration to be duly verified by signature, and to be in such form as the Commissioners of Customs may direct.

(2.) For the purpose of charging the proper duty of customs on beer so imported or brought in, the original gravity of the beer may be ascertained by an officer of customs, or an officer of inland revenue, in the manner provided by section fifteen of the Inland Revenue Act, 1880, for determining the original gravity of beer brewed in the United Kingdom, and duty shall be charged according to the gravity stated in the declaration or that ascertained by the officer whichever shall be the highest.

(3.) If the gravity ascertained by the officer shall exceed by two per centum the gravity stated in the declaration the beer shall be forfeited, and, if the gravity so ascertained shall exceed by five per centum the gravity stated in the declaration, the importer or person bringing in the beer, and the agent declaring, if any, shall forfeit a penalty of one hundred pounds.

6. *Beer imported may be exported.*] (1.) It shall be lawful for any person to export as merchandise to foreign parts or for use as ships' stores, or to remove to the Isle of Man any beer imported or brought into Great Britain or Ireland, and, except as is herein-after provided, the enactments contained in sections thirty-seven, thirty-eight, and thirty-nine of the Inland Revenue Act, 1880, shall extend and apply to the exportation or removal of beer imported or brought in.

(2.) It shall not be necessary for the declaration mentioned in section thirty-seven of the said Act to be produced upon the exportation or removal of beer imported or brought in; but the notice thereby required to be given to the proper officer at the place from which the beer is to be exported or removed shall specify that the full duties of customs have been charged and paid upon the beer, and such notice, which may be given by the exporter or his agent, shall be duly verified by signature, and shall be deemed an instrument within section one hundred and sixty-eight of the Customs Consolidation Act, 1876.

7. *Alteration of duties on spirits imported*—39 & 40 *Vict. c.* 35.] In lieu of the duties of customs now payable under the Customs Tariff Act, 1876, on spirits or strong waters, and of the duties of excise on spirits manufactured or distilled in the islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported into the United Kingdom, there shall be charged and paid the duties of customs following; (that is to say,)

	£	s.	d.
For every gallon computed at hydrometer proof of spirits of any description (except perfumed spirits) including naptha or methylic alcohol, purified so as to be potable, and mixtures and preparations containing spirits	0	10	4
For every gallon of perfumed spirits . .	0	16	6

And so in proportion for any less quantity.

Where a person importing liqueurs, cordials, or other preparations containing spirits in bottle, may have entered the same in such a manner as to indicate that the strength is not to be tested, duty shall be charged and paid at the rate following; (that is to say,)

	£	s.	d.
For every gallon thereof	0	14	0

And so in proportion for any less quantity.

8. *Mode of testing in case of obscuration.*] In any case where by reason of the presence of colouring, sweetening, or other matter, the correct strength of any spirit cannot be immediately ascertained by Sykes's hydrometer, a sample of such spirit may be distilled or treated by such other process as the Commissioners of Customs may direct, so that the true strength of the spirit may be ascertained by the said hydrometer.

9. *Time and place for landing goods inwards.*] No goods, except diamonds and bullion, and lobsters and fresh fish of British taking, imported in British ships, which goods may be landed without report or entry, shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore on Sundays or holidays, except by special permission of the Commissioners of Customs; nor shall they be unshipped, landed, or put on shore on any other days except between the hours of eight o'clock in the morning and four o'clock in the afternoon from the first day of March to the thirty-first day of October, both inclusive, and between the hours of nine o'clock in the morning and four o'clock in the afternoon during the remainder of the year, or between such other hours as may be appointed by the Commissioners of Customs; nor shall any goods whatever be unshipped or landed at any time unless in the presence or with the authority of the proper officer of customs, nor shall they be so landed except at some legal quay, wharf, or other place duly appointed for the landing or unshipping of goods, nor shall any goods after having been unshipped or put into any boat or craft to be landed be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of customs; and if any goods shall be unshipped or removed from any importing ship for the purpose of being landed they shall be forthwith taken to and landed at the wharf, quay, or other place at which the same are intended to be landed. If any goods shall be unshipped, landed, transhipped, removed, or dealt with contrary to the provisions of this section they shall be forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same.

10. *Time and places for landing and shipping coastwise.*] If any goods shall be unshipped from any ship arriving coastwise, or be shipped or waterborne to be shipped for carriage coastwise on Sundays or holidays, except by the special permission of the Commissioners of Customs, or on any other day unless in the presence or with the authority of the proper officer of customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the penalty of fifty pounds.

11. *Specifications for free goods six days after clearance—Forms Nos.* 8 *and* 9—*Except as to salmon.*] The exporter of goods for which no bond is required shall (except as herein-after provided) within six days after the final clearance outwards of the exporting ship, or within such other period as the Commissioners of Customs may direct, either by himself or his agent, deliver to the proper officer of customs at the port of shipment a specification in the Form No. 8 or No. 9 in Schedule B. to the Customs Consolidation Act, 1876, according to the nature of the goods, and containing the several particulars indicated in or required thereby, or in such

other form and manner as the Commissioners of Customs may direct, and shall subscribe the declaration at the foot thereof, and on the demand of the proper officer of customs shall produce the invoice bills of lading and other documents relating to the goods to test the accuracy of such specification; and on failure to comply with any of the foregoing requirements, the exporter or agent shall for every such offence forfeit five pounds; and in case any of the particulars contained in any such specification shall be incorrect or inaccurate, the person subscribing the declaration shall forfeit the like penalty.

Provided always that no salmon shall be shipped to be exported without previous entry thereof in accordance with the Salmon Fishery Acts for the time being, nor except upon due compliance in all other respects with the provisions of such Acts.

12. *Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them—Rescuing goods——Rescuing persons—Assaulting or obstructing officers—Attempting the foregoing offences — Penalty.*] Any officer of customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel islands, or any person who shall have landed from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person.

A person shall be guilty of an offence—

(1.) If he staves, breaks, or destroys any goods to prevent the seizure thereof, by an officer of customs or other person authorized to seize the same.

(2.) If he rescues, or staves, breaks or destroys to prevent the securing thereof any goods seized by an officer of customs or other person authorized to seize the same.

(3.) If he rescues any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts.

(4.) If he prevents the apprehension of any such person.

(5.) If he assaults or obstructs any officer of customs, or any officer of the Army, Navy, Marines, Coast Guard, or other person duly employed for the prevention of smuggling, going, remaining, or returning from on board a ship or boat within the limits of any port in the United Kingdom or the Channel islands, or in searching such a ship or boat, or in searching a person who has landed from any such ship or boat, or in seizing any goods liable to forfeiture under the Customs Acts, or otherwise acting in the execution of his duty.

(6.) If he attempts or endeavours to commit, or aids, abets, or assists in the commission of any of the offences mentioned in this section.

And a person so offending shall for each such offence forfeit the penalty of not exceeding one hundred pounds, and he may either be detained or proceeded against by information and summons.

13. *Certain sections of this Act incorporated in 39 & 40 Vict. c. 36.*] Sections five, six, nine, ten, eleven, and twelve of this Act shall be deemed and taken to be incorporated in and form part of the Customs Consolidation Act, 1876, and shall be read and construed therewith, and the provisions of that Act shall be deemed to relate and be applicable to such sections in the same manner and to the same extent as if the same sections had been originally enacted therein; and each of the said sections nine, ten, eleven, and twelve shall take the place of sections forty-eight, one hundred and forty-three, one hundred and ten, and one hundred and eighty-four respectively of the said Act, and section eight of this Act shall apply to the Isle of Man, so far as relates to all spirits charged with duty by reference to hydrometer strength.

As to Excise.

14. *Brewer's licence—Annual value of house exceeding £10 and not exceeding £15.*] (1.) On and after the first day of October, one thousand eight hundred and eighty-one, there shall be granted and paid on a licence to be taken out annually by a brewer (not being a brewer for sale) who shall be the occupier of a house of an annual value exceeding ten pounds, and not exceeding fifteen pounds, the duty of . . . . . £0 9s. 0d.

(2.) The provisions in sub-sections two and three of section ten of the Inland Revenue Act, 1880, shall apply to such licence as if it had been one of the licences mentioned in sub-section one of that section.

15. *Provisions with regard to brewers others than brewers for sale.*] (1.) In charging the duty on beer brewed by a brewer other than a brewer for sale under section thirteen of the Inland Revenue Act, 1880, a deduction of six per centum shall be made from the quantity of worts deemed to have been brewed by him by relation to materials.

(2.) The exemption from the duty on beer under section thirty-three of the said Act shall extend to beer brewed by a brewer other than a brewer for sale, occupying a house of an annual value exceeding ten pounds but not exceeding fifteen pounds, provided that the beer is brewed solely for his own domestic use.

(3.) A licence to a brewer other than a brewer for sale shall not authorize the brewing of beer in more than one house to be mentioned therein, nor shall such a licence be transferred to any person other than the widow of the person to whom the same was granted or to his executors or administrators or assignee or trustee in bankruptcy.

(4.) The term "house" as used in this section and in sections thirty-three and thirty-four of the said Act means and includes a dwelling-house together with the offices, courts, yards and gardens occupied therewith.

(5.) The annual value of a house occupied by a brewer other than a brewer for sale shall be ascertained by such means as the Commissioners of Inland Revenue shall think fit, but an appeal shall lie from their valuation to the Commissioners for the general purposes of Income Tax for the division in which the house is situate, and their decision shall be final.

16. *Allowance granted to rectifiers and compounders on spirits exported.*] The allowance of threepence per gallon, payable to any licensed rectifier or compounder under section four of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter one hundred and twenty-nine, or section twelve of the Act of the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-eight, shall be increased to fourpence per gallon.

Miscellaneous.

17. *Provisions as to warehousing foreign wine in an excise warehouse.*] (1.) Foreign wine warehoused in a customs warehouse of which an account has been taken by the proper officer of customs, may upon such security being given, and subject to such regulations being observed as the Commissioners of Customs or the Commissioners of Inland Revenue respectively shall from time to time prescribe, be removed, without payment of duty, to an excise warehouse, and from thence to any other excise or customs warehouse or for exportation or ships' stores.

(2.) Foreign wine warehoused in an excise warehouse, may, upon payment of the proper duties of customs, be delivered for home consumption.

(3.) The enactments contained in the Spirits Act, 1880, in relation to a proprietor or occupier of an excise warehouse, and to a proprietor of spirits warehoused, and to the warehousing and treatment of spirits in an excise warehouse, and the delivery of the same thereout, and the collecting and accounting for the duty thereon, shall have effect in relation to foreign wine warehoused in the same manner and to the same extent as if the term foreign wine was included in the term spirits, wherever used in those enactments.

18. *Goods liable to a duty of customs or excise may be warehoused in a customs or excise warehouse.*] (1.) Subject to such regulations as the Commissioners of Customs or the Commissioners of Inland Revenue may from time to time prescribe, goods of any description liable to a duty of customs or excise may be warehoused in any customs or excise warehouse approved by the Commissioners of Her Majesty's Treasury for the purpose.

(2.) All the powers, provisions, regulations, and penalties contained in or imposed by any Act relating to the customs and excise respectively as to the warehousing, custody, and delivery out of warehouse of goods liable to a duty of customs or excise, and as to any deficiencies therein, or allowances thereon, shall where applicable be observed, applied, enforced, and put into execution with reference to such

goods warehoused in excise and customs warehouses respectively.

PART II.

TAXES.

19. *Grant of duties of income tax.*] There shall be charged, collected, and paid for the year commencing on the sixth day of April, one thousand eight hundred and eighty-one, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A), (C), (D), or (E), of the said Act, the duty of fivepence;

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B) of the said Act.

In England, the duty of twopence halfpenny;

In Scotland and Ireland respectively, the duty of one penny three farthings.

20. *Provisions of Income Tax Acts to apply to duties hereby granted.*] All such provisions contained in any Act relating to income tax as are now in force shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act.

21. *Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.*] In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and eighty-two, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and eighty-two shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day.

22. *Assessment of income tax under Schedules (A) and (B) and of the inhabited house duties for the year* 1881-82—32 & 33 *Vict. c.* 67.] With respect to the assessment of the duties of income tax hereby granted under Schedules (A) and (B) in respect of property elsewhere than in the Metropolis as defined by the Valuation (Metropolis) Act, 1869, and of the duties on inhabited houses elsewhere than in the said Metropolis, for the year commencing, as respects England, on the sixth day of April, and as respects Scotland, on the twenty-fourth day of May, one thousand eight hundred and eighty-one, the following provisions shall have effect:—

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three half-pence to the collectors thereof.

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April, one thousand eight hundred and eighty, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year as respects England, and as respects Scotland for the year which commenced on the twenty-fifth day of May, one thousand eight hundred and eighty, shall be taken as the annual value of such property or of such inhabited house for the assessment and charge thereon of the duties of income tax hereby granted or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively.

(3.) The Commissioners executing the said Act shall, for each place within their district, cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same.

23. *Particulars to be stated in collector's receipts.*] Where any collector of the duties on inhabited houses and of income tax under Schedules A. and B. has not, in a demand note delivered previous to payment, distinctly described the property assessed, and specified the amount of the assessment, and the rate at which the duties are charged, the description of the property, the amount of the assessment, and the rate of charge shall be specified in the receipt.

24. *Interpretation of "servant" and "other person" in exemption from inhabited house duty*—41 & 42 *Vict. c.* 15.] With reference to the exemption from the duties on inhabited houses given by sub-section two of section thirteen of the Customs and Inland Revenue Act, 1878, the term "servant" shall be deemed to mean and include only a menial or domestic servant employed by the occupier, and the expression "other person" shall be deemed to mean any person of a similar grade or description not otherwise employed by the occupier, who shall be engaged by him to dwell in the house or tenement solely for the protection thereof.

25. *Amendment of* 43 & 44 *Vict. c.* 19, *s.* 53.] Sub-section one of section fifty-three of the Taxes Management Act, 1880, shall not apply to Scotland.

PART III.

STAMPS.

As to Probate and Legacy Duties, and Duties on Accounts.

26. *Stamp duties to be under the care and management of the Commissioners of Inland Revenue.*] (1.) The stamp duties herein-after imposed shall be under the care and management of the Commissioners of Inland Revenue, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are by law vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for carrying into effect the provisions of this Act in relation to such stamp duties.

(2.) Such stamp duties may be denoted by impressed or adhesive stamps, or partly by impressed stamps and partly by adhesive stamps, as the said Commissioners may think proper.

(3.) As respects the duties imposed on affidavits in substitution for the duties on probates or letters of administration, the several provisions now in force in relation to the last-mentioned duties shall, so far as the same are consistent with the provisions of this Act, be deemed to be applicable to the said duties hereby imposed, and in the application thereof a probate or letters of administration having thereon such a certificate as is herein-after mentioned shall for all purposes be deemed to have been duly stamped in respect of the value stated in the certificate.

27. *Grant of duties in respect of probate and letters of administration and on inventories.*] The duties imposed by the Customs and Inland Revenue Act, 1880, upon probates of wills and letters of administration in England and Ireland shall not be payable upon probates or letters of administration granted on and after the first day of June one thousand eight hundred and eighty-one; and on and after that day in substitution for such duties, and in lieu of the duties imposed by the said Act upon inventories in Scotland, there shall, save as is herein-after expressly provided, be charged and paid on the affidavit to be required and received from the person applying for the probate or letters of administration in England or Ireland, or on the inventory to be exhibited and recorded in Scotland, the stamp duties herein-after specified; (that is to say,)

	Duty.
Where the estate and effects for or in respect of which the probate or letters of administration is or are to be granted, or whereof the inventory is to be exhibited and recorded, exclusive of what the deceased shall have been possessed of or entitled to as trustee and not beneficially, shall be above the value of £100 and not above the value of £500. . . .	At the rate of one pound for every full sum of £50, and for any fractional part of £50 over any multiple of £50;

Where such estate and effects shall be above the value of £500, and not above the value of £1,000	At the rate of one pound five shillings for every full sum of £50, and for any fractional part of £50 over any multiple of £50;
Where such estate and effects shall be above the value of £1,000 . .	At the rate of three pounds for every full sum of £100, and for any fractional part of £100 over any multiple of £100;

Provided that an additional inventory, to be exhibited or recorded in Scotland, of any effects of a deceased person, where a former inventory of the estate and effects of the same person has been exhibited and recorded prior to the first day of June one thousand eight hundred and eighty-one, shall be chargeable with the amount of stamp duty with which it would have been chargeable if this Act had not been passed.

28. *Power to deduct debts and funeral expenses where deceased died domiciled in the United Kingdom.*] On and after the first day of June one thousand eight hundred and eighty-one, in the case of a person dying domiciled in any part of the United Kingdom, it shall be lawful for the person applying for the probate or letters of administration in England or Ireland, or exhibiting the inventory in Scotland, to state in his affidavit the fact of such domicile, and to deliver therewith or annex thereto a schedule of the debts due from the deceased to persons resident in the United Kingdom, and the funeral expenses, and in that case, for the purpose of the charge of duty on the affidavit or inventory, the aggregate amount of the debts and funeral expenses appearing in the schedule shall be deducted from the value of the estate and effects as specified in the account delivered with or annexed to the affidavit, or whereof the inventory shall be exhibited.

Debts to be deducted under the power hereby given shall be debts due and owing from the deceased and payable by law out of any part of the estate and effects comprised in the affidavit or inventory, and are not to include voluntary debts expressed to be payable on the death of the deceased, or payable under any instrument which shall not have been bonâ fide delivered to the donee thereof three months before the death of the deceased, or debts in respect whereof any real estate may be primarily liable or a reimbursement may be capable of being claimed from any real estate of the deceased or from any other estate or person.

Funeral expenses to be deducted under the power hereby given shall include only such expenses as are allowable as reasonable funeral expenses according to law.

29. *As to forms of affidavit.*] The affidavit to be required or received from any person applying for probate or letters of administration in England or Ireland shall extend to the verification of the account of the estate and effects, or to the verification of such account and the schedule of debts and funeral expenses, as the case may be, and shall be in accordance with such form as may be prescribed by the Commissioners of Her Majesty's Treasury; and the Commissioners of Inland Revenue shall provide forms of affidavit stamped to denote the duties payable under this Act.

30. *Probate or letters of administration to bear a certificate in lieu of stamp duty.*] No probate or letters of administration shall be granted by the Probate, Divorce, and Admiralty Division of the High Court of Justice in England, or by the Probate and Matrimonial Division of the High Court of Justice in Ireland, unless the same bear a certificate in writing under the hand of the proper officer of the court, showing that the affidavit for the Commissioners of Inland Revenue has been delivered, and that such affidavit, if liable to stamp duty, was duly stamped, and stating the amount of the gross value of the estate and effects as shown by the account.

31. *Provision for return of duty overpaid.*] If at any time after the grant of probate or letters of administration, and during the administration of the estate, the value mentioned in the certificate of the officer of the court shall be found to exceed the true value of the personal estate and effects of the deceased, or if at any time within three years after the grant, or within such further period as the Commissioners of Inland Revenue may allow, it shall appear that no amount or an insufficient amount was deducted on account of debts and funeral expenses, it shall be lawful for the said Commissioners, upon proof of the facts to their satisfaction, to return the amount of stamp duty which shall have been overpaid, and to cause a certificate to be written by an authorised officer on the probate or letters of administration setting forth such true value, or, as the case may be, the amount, or corrected amount of deduction, and such certificate shall be substituted for, and have the same force and effect as, the certificate of the officer of the court.

32. *Provision for payment of further duty.*] If at any time it shall be discovered that the personal estate and effects of the deceased were at the time of the grant of probate or letters of administration of greater value than the value mentioned in the certificate, or that any deduction for debts or funeral expenses was made erroneously, the person acting in the administration of such estate and effects shall, within six months after the discovery, deliver a further affidavit with an account to the Commissioners of Inland Revenue, duly stamped for the amount which, with the duty (if any) previously paid on an affidavit in respect of such estate and effects, shall be sufficient to cover the duty chargeable according to the true value thereof, and shall at the same time pay to the said Commissioners interest upon such amount at the rate of five pounds per centum per annum from the date of the grant, or from such subsequent date as the said Commissioners may in the circumstances think proper.

The Commissioners of Inland Revenue, upon the receipt of such affidavit duly stamped as aforesaid, shall cause a certificate to be written by an authorised officer on the probate or letters of administration, setting forth the true value of the estate and effects as then ascertained, or, as the case may be, the corrected amount of deduction, and such certificate shall be substituted for, and have the same force and effect as, the certificate of the officer of the court.

33. *Provisions as to obtaining probate, &c., where gross value of estate does not exceed £300.*] (1.) Where the whole personal estate and effects of any person dying on or after the first day of June one thousand eight hundred and eighty-one (inclusive of property by law made such personal estate and effects for the purpose of the charge of duty, and any personal estate and effects situate out of the United Kingdom), without any deduction for debts or funeral expenses, shall not exceed the value of three hundred pounds, it shall be lawful for the person intending to apply for probate or letters of administration in England or Ireland, to deliver to the proper officer of the court or to any officer of Inland Revenue duly appointed for the purpose, a notice in writing in the prescribed form, setting forth the particulars of such estate and effects, and such further particulars as may be required to be stated therein, and to deposit with him the sum of fifteen shillings for fees of court and expenses, and also, in case the estate and effects shall exceed the value of one hundred pounds, the further sum of thirty shillings for stamp duty.

(2.) If the officer has good reason to believe that the whole personal estate and effects of the deceased exceeds the value of three hundred pounds, he shall refuse to accept the notice and deposit until he is satisfied of the true value thereof.

(3.) The principal registrars of the Probate, Divorce, and Admiralty Division of the High Court of Justice in England, and of the Probate and Matrimonial Division of the High Court of Justice in Ireland, in communication with the Commissioners of Inland Revenue, shall prescribe the form of notice, and make such regulations as may be necessary with respect to the transmission of notices by officers of Inland Revenue, the steps to be taken for the preparation and filling up of forms and documents, and generally all matters which may be necessary, so as to authorise the grant of probate or letters of administration.

(4.) Officers of Inland Revenue are hereby empowered to administer all necessary oaths or affirmations, and in the case of letters of administration, to attest the bond and

accept the same on behalf of the President or Judge of the Division.

(5.) Where the estate and effects shall exceed the value of one hundred pounds, the stamp duty payable on the affidavit for the Commissioners of Inland Revenue shall be the fixed duty of thirty shillings, and no more.

34. *Provision as to inventories where gross value of estate does not exceed* £300—39 & 40 *Vict. c.* 24—39 & 40 *Vict. c.* 70.] (1.) The Intestates, Widows, and Children (Scotland) Act, 1875, and the Small Testate Estate (Scotland) Act, 1876, as amended by the Sheriffs Court (Scotland) Act, 1876, shall be extended so as to apply to any case where the whole personal estate and effects of a person dying on or after the first day of June one thousand eight hundred and eighty-one, without any deduction for debts or funeral expenses, shall not exceed the value of three hundred pounds, whoever may be the applicant for representation, and wheresoever the deceased may have been domiciled at the time of death, and the fees payable under schedule C. of each of the two first-mentioned Acts shall not exceed the sum of fifteen shillings, inclusive of the fee of two shillings and sixpence, to be paid to the commissary clerk, or sheriff clerk.

(2.) In any such case where the estate and effects shall exceed the value of one hundred pounds, the stamp duty payable on the inventory shall be the fixed duty of thirty shillings, and no more.

35. *Provision in case of subsequent discovery that the value of estate exceeded* £300.] Where representation has been obtained in conformity with either of the two preceding sections, and it shall be at any time afterwards discovered that the whole personal estate and effects of the deceased were of a value exceeding three hundred pounds, then a sum equal to the stamp duty payable on an affidavit or inventory in respect of the true value of such estate and effects shall be a debt due to Her Majesty from the person acting in the administration of such estate and effects, and no allowance shall be made in respect of the sums deposited or paid by him, nor shall the relief afforded by the next succeeding section be claimed or allowed by reason of the deposit or payment of any sum.

36. *Relief from legacy duty in cases under* £300.] The payment of the sum of thirty shillings for the fixed duty on the affidavit or inventory in conformity with this Act shall be deemed to be in full satisfaction of any claim to legacy duty or succession duty in respect of the estate or effects to which such affidavit or inventory relates.

37. *Power to Commissioners to require explanations and proof in support of affidavit or inventory.*] It shall be lawful for the Commissioners of Inland Revenue at any time and from time to time within three years after the grant of probate or letters of administration or recording of inventory, as they may think necessary, to require the person acting in the administration of the estate and effects of any deceased person, to furnish such explanations, and to produce such documentary or other evidence respecting the contents of, or particulars verified by, the affidavit or inventory as the case may seem to them to require.

38. *Grant of duties on accounts of certain property.*] (1.) Stamp duties at the like rates as are by this Act charged on affidavits and inventories shall be charged and paid on accounts delivered of the personal or moveable property to be included therein according to the value thereof.

(2.) The personal or moveable property to be included in an account shall be property of the following descriptions, viz.:—

(a.) Any property taken as a donatio mortis causâ made by any person dying on or after the first day of June one thousand eight hundred and eighty-one, or taken under a voluntary disposition, made by any person so dying, purporting to operate as an immediate gift inter vivos whether by way of transfer, delivery, declaration of trust or otherwise which shall not have been bonâ fide made three months before the death of the deceased.

(b.) Any property which a person dying on or after such day having been absolutely entitled thereto, has voluntarily caused or may voluntarily cause to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person.

(c.) Any property passing under any past or future voluntary settlement made by any person dying on or after such day by deed or any other instrument not taking effect as a will, whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself, or to reclaim the absolute interest in such property.

(3.) Where an account delivered duly stamped comprises property passing under a voluntary settlement, and, upon the production of the settlement, it shall appear that the stamp duty of five shillings per centum has been paid thereon according to the amount or value of the property so passing, or any part thereof, the amount of such stamp duty shall be returned to the person delivering the account.

39. *Delivery of accounts on oath.*] Every person who as beneficiary, trustee, or otherwise, acquires possession, or assumes the management, of any personal or moveable property of a description to be included in an account according to the preceding section shall upon retaining the same for his own use, or distributing or disposing thereof, and in any case within six calendar months after the death of the deceased deliver to the Commissioners of Inland Revenue a full and true account, verified by oath, of such property duly stamped as required by this Act. Any officer authorised by the Commissioners for the purpose may administer the oath.

40. *Double duty payable in case of default.*] If any person who ought to obtain probate or letters of administration or deliver a further affidavit or to exhibit an inventory or who is required to deliver such account as aforesaid shall neglect to do so within the period prescribed by law for the purpose, he shall be liable to pay to Her Majesty double the amount of duty chargeable, and the same shall be a debt due from him to the Crown, and be recoverable by any of the ways or means now in force for the recovery of probate, legacy, or succession duties.

41. *Cesser of legacy and succession duties at the rate of one per cent. in certain cases*—16 & 17 *Vict. c.* 51.] In respect of any legacy, residue, or share of residue payable out of, or consisting of any estate or effects according to the value whereof duty shall have been paid on the affidavit or inventory or account, in conformity with this Act, the duty at the rate of one pound per centum imposed by the Act of the fifty-fifth year of King George the Third, chapter one hundred and eighty-four, shall not be payable;

And in respect of any succession to property according to the value whereof duty shall have been paid on the affidavit or inventory or account, in conformity with this Act, the duty at the rate of one pound per centum imposed by the Succession Duty Act, 1853, shall not be payable.

42. *Charge of legacy duty on legacies not amounting to* £20.] Subject to the relief from legacy duty given by section thirteen of the Customs and Inland Revenue Act, 1880, every pecuniary legacy or residue or share of residue under the will or the intestacy of a person dying on or after the first day of June one thousand eight hundred and eighty-one, although not of an amount or value of twenty pounds, shall be chargeable to the duties imposed by the said Act of the fifty-fifth year of King George the Third, chapter one hundred and eighty-four, as modified by this Act.

43. *Power to Commissioners to accept composition for legacy duty under a will.*] It shall be lawful for the Commissioners of Inland Revenue, upon the application of the person acting in the execution of the will of any deceased person, and upon the delivery to them of an account showing the amount of the estate and effects in respect whereof legacy duty is payable, together with the names or description of class of the persons entitled thereto and every part thereof, in possession or expectancy, and their degrees of consanguinity to the testator, to assess the duty upon the amount shown by the said account at such a sum by way of composition as, having regard to the circumstances, shall appear to be proper, and to accept payment of the duty so assessed in full discharge of all claims for legacy duty under such will.

If the Commissioners are of opinion that an application should receive the assent of any person, they shall refuse to

entertain the application until such assent shall have been given.

Miscellaneous.

44. *Amendments of* 33 & 34 *Vict. c.* 97.] On and after the first day of June one thousand eight hundred and eighty-one, the Stamp Act, 1870, shall be amended as follows:

(*a.*) Section sixteen in relation to the production of instruments in evidence shall apply to such production in all proceedings before an arbitrator or referee, and for the purposes of such application the arbitrator or referee shall be "the officer" as well as "the judge" in the said section mentioned:

(*b.*) Sub-section (2) of section one hundred and seventeen in relation to the time within which a policy of sea insurance made or executed out of the United Kingdom may be stamped, shall be read as if the words "fourteen days" were substituted therein for the words "two months":

(*c.*) Section one hundred and nineteen shall not apply so as to allow the ad valorem stamp duties on policies of insurance upon any life or lives, or upon any event or contingency relating to or depending upon any life or lives, to be denoted by adhesive stamps.

45. *Stamp duty on transfers of county stock.*] Where the justices of any county, liberty, riding, parts, or division of a county, shall be empowered by any Act of Parliament to create "county stock," the transfers of such stock shall be chargeable with stamp duty, as if they were transfers of the debenture stock of a company or corporation.

46. *Stamp duty on stock certificates to bearer*—38 & 39 *Vict. c.* 83.] (1.) Every "stock certificate to bearer" which shall, after the passing of this Act, be issued under the provisions of the Local Authorities Loans Act, 1875, or of any other Act authorizing the creation of debenture stock, county stock, corporation stock, municipal stock, or funded debt, by whatever name known, shall be charged with the stamp duty of seven shillings and sixpence, for every full sum of one hundred pounds, and also for any fraction less than one hundred pounds, or over and above one hundred pounds, or a multiple of one hundred pounds, of the nominal amount of the stock described in the certificate.

(2.) Where the holder of any stock certificate to bearer so issued shall have been entered on the register of the local authority as the owner of the share of stock described in the certificate, such certificate shall be forthwith cancelled so as to be incapable of being re-issued to any person.

(3.) The foregoing charge of stamp duty shall not be applicable where a composition has been paid under the provisions of the section fifty-three of the Inland Revenue Act, 1880, for the stamp duty on transfers of the stock described in the certificate.

(4.) Every person and body of persons, whether corporate or unincorporate, by whom a "stock certificate to bearer" is issued without being duly stamped, shall forfeit the sum of fifty pounds.

47. *Stamp duties of one penny may be denoted by postages stamps, and vice versâ.*] On and after the first day of June one thousand eight hundred and eighty-one any stamp duties of one penny which may legally be denoted by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument, may be denoted by adhesive penny postage stamps, and on and after that day postage duties may be paid by the use of penny adhesive stamps not appropriated by any word or words on the face of them to postage duty, or to any particular description of instrument.

48. *Repeal of enactments in schedule.*] The enactments described in the schedule to this Act are hereby repealed, to the extent in the said schedule mentioned: Provided that this repeal shall not affect the past operation of any enactment hereby repealed, or the liability for, or recovery of, any duties heretofore charged, or interfere with the institution or prosecution of any proceeding in respect of any offence committed, or any penalty or forfeiture incurred against or under any enactment hereby repealed.

THE SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
3 & 4 Vict. c. 96.	An Act for the Regulation of the Duties of Postage.	Section twenty.
23 & 24 Vict. c. 129.	An Act to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands.	Sections two and three.
30 & 31 Vict. c. 23.	An Act to grant and alter certain Duties of Customs and Inland Revenue, and for other purposes relating thereto.	Sections five and six, and Schedule E.
32 & 33 Vict. c. 103.	An Act to amend the Law relating to the warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue.	Sections three, four, five, nine, ten, and eleven.
39 & 40 Vict. c. 35.	An Act for consolidating the Duties of Customs.	The Schedule in part, namely, from "Beer and ale, viz.," to "exportation of Beer," and from "Spirits or Strong Waters" to "duty as such," and so far as it relates to the duty on essence of spruce.
39 & 40 Vict. c. 36.	An Act to Consolidate the Customs Laws.	Sections forty-eight, one hundred and ten, one hundred and forty-three, one hundred and eighty-four, and one hundred and eighty-seven.

CAP. XIII.

An Act to amend the Municipal Elections Amendment (Scotland) Act, 1868. [3rd June 1881.

CAP. XIV.

An Act to enable County Authorites in South Wales to take over and contribute towards certain Bridges, and to remove doubts as to the liability to repair the Highways over and adjoining certain Bridges which have been rebuilt. [3rd June 1881.

CAP. XV.

An Act to apply the sum of Six million nine hundred and seventy-five thousand six hundred and twenty-seven pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two. [27th June 1881.

CAP. XVI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [27th June 1881.

CAP. XVII.

An Act to amend the Tramways (Ireland) Acts, 1860, 1861, and 1871. [27th June 1881.

CAP. XVIII.

An Act to amend the law with respect to the payment of Clerks of Petty Sessions in Ireland. [27th June 1881.

CAP. XIX.

An Act for further regulating the Transmission of Newspapers. [18th July 1881.

Be it enacted, &c.:

1. *For purposes of Act Channel Islands and Isle of Man part of United Kingdom.*] For the purposes of this Act the Channel Islands and the Isle of Man shall be deemed parts of the United Kingdom.

2. *Repeal of part of sect. 6 of 33 & 34 Vict. c. 79.*] From and after the thirtieth day of September one thousand eight hundred and eighty-one, so much of section six of the Post Office Act, 1870, as requires that a publication, in order to be a newspaper for the purposes of that Act, shall be printed on a sheet or sheets unstitched, shall be repealed, but such repeal shall not extend to a supplement to a newspaper.

CAP. XX.

An Act to amend the Law with respect to the Acquisition of Land and the Execution of Instruments for the purposes of the Post Office. [18th July 1881.

ARRANGEMENT OF SECTIONS.

Preliminary.

Section.
1. Short titles.
2. Commencement of Act.

Acquisition of Land.

3. Power of Postmaster-General for purchase of land.
4. Power to sell, exchange, or lease land purchased.

Execution of Instruments.

5. Exemption of Postmaster-General from stamp duty.
6. Power of deputy of Postmaster-General to give notice, or make claim, distress, &c.
7. Execution of instrument under seal of Postmaster-General.

Supplemental.

8. Definitions.

Application to Scotland and Ireland.

9. Application to Scotland.
10. Application to Ireland.

SCHEDULE.

Be it enacted, &c.:

Preliminary.

1. *Short titles—1 Vict. c. 33, &c.—1 Vict. c. 36.*] This Act may be cited as the Post Office (Land) Act, 1881.

The Acts set forth in the Schedule to this Act are in this Act referred to and may be cited by the short title in the third column of that schedule mentioned, and the said Acts, together with this Act, may be cited together as the Post Office (Management) Acts, 1837 to 1881.

This Act shall be deemed to be a Post Office Act within the meaning of the Post Office (Offences) Act, 1837.

2. *Commencement of Act.*] This Act shall come into operation on the first day of September one thousand eight hundred and eighty-one (which day is in this Act referred to as the commencement of this Act).

Acquisition of Land.

3. *Power of Postmaster-General for purchase of land—3 & 4 Vict. c. 96, s. 67.*] Whereas by the Post Office Duties Act, 1840, the Postmaster-General is constituted a body corporate for the purpose of holding and taking conveyances and leases of lands for the service of the Post Office, and it is expedient to give further powers for the acquisition of such lands. Be it therefore enacted as follows:

(1.) The Postmaster-General, with the consent of the Treasury, may purchase lands for the purpose of the Post Office, and shall take and hold such land on behalf of Her Majesty for the service of the Post Office; and for the purposes of this Act the expression "land" shall include any right or easement in, over, or in respect of land.

(2.) With respect to any such purchase of land the following provisions shall have effect; (that is to say,)

(*a.*) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same shall be incorporated with this Act, except the provisions relating to access to the special Act, and in construing those Acts for the purposes of this section "the special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the Postmaster-General, and "land" shall be construed to have the same meaning as is given to it by this Act.

(*b.*) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Postmaster-General, and shall be sufficient without sureties.

(*c.*) The provisions of the said incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until the sanction of Parliament has been obtained in manner in this Act mentioned.

(*d.*) Three months at the least before an application is made to Parliament for sanction to the compulsory purchase of land under this Act, the Postmaster-General with the consent of the Treasury shall serve, in manner provided by the said incorporated Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken and in general terms the purposes to which it is to be applied, and stating the intention of the Treasury to obtain the sanction of Parliament to the purchase thereof and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the Treasury any objections he may have to his land being taken.

(*e.*) The Treasury shall, at some time after the service of such notice, make a local inquiry by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of such inquiry.

(*f.*) The Treasury, if satisfied after such inquiry has been made that the land ought to be taken, may submit a Bill to Parliament containing provisions authorising the Postmaster-General to take such land, and such Bill shall in all respects be deemed to be a Public Bill, and, if passed into an Act, to have conveyed the sanction of Parliament to the purchase compulsorily of the land therein mentioned or referred to, and the period for such compulsory purchase shall be three years after the passing of such Act. Provided that if while such Bill is pending in either House of Parliament a petition is presented against anything comprised therein, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

(3.) The Chancellor and Council for the time being of the Duchy of Lancaster may, if they think fit, from time contract and agree with the Postmaster-General for the sale of, and may absolutely make sale and dispose of, for such sum or sums of money as to the said Chancellor and Council appear sufficient consideration for the same, any land belonging to Her Majesty, her heirs, or successors, in right of the said Duchy, which, for the purpose of the Post Office, the Postmaster-General may from time to time deem it expedient to purchase with the consent of the Treasury, and such land may be granted and assured to the Postmaster-General, and the said moneys shall be paid and dealt with as if the said land had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

4. *Power to sell, exchange, or lease land purchased—26 & 27 Vict. c. 43.*] All the provisions of the Post Office Lands Act, 1863, with respect to the sale, exchange, leasing, or

surrender of any lands vested in the Postmaster-General shall apply to any land purchased by the Postmaster-General under the powers of this Act.

Execution of Instruments.

5. *Exemption of Postmaster-General from stamp duty*—32 & 33 *Vict. c.* 73—31 & 32 *Vict. c.* 110.] Every deed, instrument, receipt, or document made or executed for the purpose of the Post Office, by, to, or with Her Majesty or any officer of the Post Office, shall be exempt from any stamp duty imposed by any Act, past or future, except where such duty is declared by the deed, instrument, receipt, or document, or by some memorandum endorsed thereon, to be payable by some person other than the Postmaster-General, and except so far as any future Act specifically charges the same.

Section twenty-two of the Telegraph Act, 1869, except so far as it amends section five of the Telegraph Act, 1868, is hereby repealed, without prejudice nevertheless to anything already done in pursuance of the said section.

6. *Power of deputy of Postmaster-General to give notice, or make claim, distress, &c.*] Any person having authority in that behalf, either general or special, under the seal of the Postmaster-General, may, on behalf of the Postmaster-General, give any notice and make any claim, demand, entry, or distress which the Postmaster-General in his corporate capacity or otherwise might give or make, and every such notice, claim, demand, entry, and distress shall be deemed to have been given and made by the Postmaster-General on behalf of Her Majesty.

7. *Execution of instrument under seal of Postmaster-General.*] An instrument under the seal of the Postmaster-General may be signed by any of the secretaries to the Post Office, and shall be as valid as if the same were signed by the Postmaster-General.

Any instrument purporting to be under the seal of the Postmaster-General, and to be signed by the Postmaster-General or one of the secretaries to the Post Office, shall, until the contrary is proved, be deemed to have been so sealed and signed without proof of the official character of the person appearing to have signed the same.

Supplemental.

8. *Definitions*—1 *Vict. c.* 36.] In this Act, unless the context otherwise requires,—

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "the purpose of the Post Office" means any purpose of any of the Post Office Acts or of any Acts for the time being in force relating to Post Office money orders, Post Office telegraphs, or Post Office savings banks, and includes any purpose relating to or in connection with the execution of the duties for the time being undertaken by the Postmaster-General or any of his officers.

Other expressions shall have the same meaning as in the Post Office (Offences) Act, 1837.

Application to Scotland and Ireland.

9. *Application to Scotland*—8 & 9 *Vict. c.* 19.] In the application of this Act to Scotland the expression "Lands Clauses Consolidation Act, 1845," shall mean the Lands Clauses Consolidation (Scotland) Act, 1845, and the reference to the bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be deemed to refer to the bond required by section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845.

10. *Application to Ireland*—8 & 9 *Vict. c.* 18—23 & 24 *Vict. c.* 106—14 & 15 *Vict. c.* 70—23 & 24 *Vict. c.* 97—27 & 28 *Vict. c.* 71—31 & 32 *Vict. c.* 70.] In the application of this Act to Ireland the expression "Lands Clauses Consolidation Act, 1845, and the Acts amending the same," shall mean the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railway Traverse Act.

SCHEDULE.

Session and Chapter.	Title.	Short Title.
7 Will. 4. & 1 Vict. c. 33	An Act for the management of the Post Office.	The Post Office (Management) Act, 1837.
7 Will. 4, & 1 Vict. c. 36.	An Act for consolidating the laws relative to offences against the Post Office of the United Kingdom, and for regulating the judicial administration of the Post Office laws, and for explaining certain terms and expressions employed in those laws.	The Post Office (Offences) Act, 1837.
12 & 13 Vict. c. 66.	An Act for enabling colonial legislatures to establish inland posts.	The Colonial Inland Post Office Act, 1849.
26 & 27 Vict. c. 43.	An Act to enable Her Majesty's Postmaster-General to sell and otherwise dispose of land.	The Post Office Lands Act, 1863.

CAP. XXI.

An Act for the Amendment of the Law regarding Property of Married Women in Scotland.

[18th July 1881.

CAP. XXII.

An Act to amend the Bankruptcy Acts and Cessio Acts with respect to the discharge of Bankrupt Debtors in Scotland, and in certain other respects.

[18th July 1881.

CAP. XXIII.

An Act to amend the Law relating to the Official Staff of the Court of Bankruptcy in Ireland.

[18th July 1881.

CAP. XXIV.

An Act to amend the Law respecting the Service of Process of Courts of Summary Jurisdiction in England and Scotland.

[18th July 1881.

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Summary Jurisdiction (Process) Act, 1881.

This Act shall be deemed to be included in the expressions "Summary Jurisdiction Acts" and "Summary Jurisdiction (English) Acts."

2. *Extent of Act.*] This Act shall not apply to Ireland.

3. *Commencement of Act.*] This Act shall come into operation on the first day of October one thousand eight hundred and eighty-one (which day is in this Act referred to as the commencement of this Act).

4. *Service of process of English court in Scotland and of Scotch court in England.*] Subject to the provisions of this Act, any process issued under the Summary Jurisdiction Acts may, if issued by a court of summary jurisdiction in England and endorsed by a court of summary jurisdiction in Scotland, or issued by a court of summary jurisdiction in Scotland, and endorsed by a court of summary jurisdiction in England, be served and executed within the jurisdiction of the endorsing court in like manner as it may be served and executed within the jurisdiction of the issuing court, and

that by an officer either of the issuing or of the endo ing court.

For the purposes of this Act—

(1.) Any process may be issued and endorsed under the hand of any such person as is declared by this Act to be a court of summary jurisdiction, and may be endorsed upon proof alone of the handwriting of the person issuing it, and such proof may be either on oath or by such solemn declaration as is mentioned in section forty-one of the Summary Jurisdiction Act, 1879, or by any like declaration taken in Scotland before a sheriff, justice of the peace, or other magistrate having the authority of a justice of the peace. Such indorsement may be in the form contained in the schedule to this Act annexed, or in a form to the like effect:

(2.) Where any process requiring the appearance of a person to answer any information or complaint has been served in pursuance of this section, the court, before issuing a warrant for the apprehension of such person for failure so to appear, shall be satisfied on oath that there is sufficient primâ facie evidence in support of such information or complaint:

(3.) If the process is to procure the attendance of a witness, the court issuing the process shall be satisfied on oath of the probability that the evidence of such witness will be material, and that the witness will not appear voluntarily without such process, and the witness shall not be subject to any liability for not obeying the process, unless a reasonable amount for his expenses has been paid or tendered to him:

(4.) This Act shall not apply to any process requiring the appearance of a person to answer a complaint if issued by an English court of summary jurisdiction for the recovery of a sum of money which is a civil debt within the meaning of the Summary Jurisdiction Act, 1879, or if issued by a Scotch court in a case which falls within the definition of "civil jurisdiction" contained in the Summary Procedure Act, 1864.

5. *Provision as to execution of process.*] Where a person is apprehended under any process executed in pursuance of this Act, such person shall be forthwith taken to some place within the jurisdiction of the court issuing the process, and be there dealt with as if he had been there apprehended.

A warrant of distress issued in England when endorsed in pursuance of this Act shall be executed in Scotland as if it were a Scotch warrant of poinding and sale, and a Scotch warrant of poinding and sale when endorsed in pursuance of this Act shall be executed in England as if it were an English warrant of distress, and the enactments relating to the said warrants respectively shall apply accordingly, except that any account of the costs and charges in connection with the execution, or of the money levied thereby or otherwise relating to the execution, shall be made, and any money raised by the execution shall be dealt with in like manner as if the warrant had been executed within the jurisdiction of the court issuing the warrant.

6. *Provision as to bastardy proceedings in England and Scotland.*] A court of summary jurisdiction in England and a sheriff court in Scotland shall respectively have jurisdiction by order or decree to adjudge a person within the jurisdiction of the court to pay for the maintenance and education of a bastard child of which he is the putative father, and for the expenses incidental to the birth of such child, and for the funeral expenses of such child, notwithstanding that such person ordinarily resides, or the child has been born, or the mother of it ordinarily resides, where the court is English, in Scotland, or where the court is Scotch, in England, in like manner as the court has jurisdiction in any other case.

Any process issued in England or Scotland to enforce obedience to such order or decree may be endorsed and executed in Scotland and England respectively in manner provided by this Act with respect to process of a court of summary jurisdiction.

Any bastardy order of a court of summary jurisdiction in England may be registered in the books of a sheriff court in Scotland, and thereupon a warrant of arrestment may be issued in like manner as if such order were a decree of the said sheriff court.

7. *Saving.*] This Act shall be in addition to and not in derogation of any power existing under any other Act relating to the execution of any warrant or other process in England and Scotland respectively.

8. *Definitions*—42 & 43 *Vict. c.* 49—27 & 28 *Vict. c.* 53.] In this Act, unless the context otherwise requires,—

The expression "process" includes any summons or warrant of citation to appear either to answer any information or complaint, or as a witness; also any warrant of commitment, any warrant of imprisonment, any warrant of distress, any warrant of poinding and sale, also any order or minute of a court of summary jurisdiction or copy of such order or minute, also an extract decree, and any other document or process, other than a warrant of arrestment, required for any purpose connected with a court of summary jurisdiction to be served or executed.

The expression "Summary Jurisdiction Acts" as regards England has the same meaning as in the Summary Jurisdiction Act, 1879, and as regards Scotland, means the Summary Procedure Act, 1864, and any Act, past or future, amending that Act.

The expression "sheriff" shall include sheriff substitute.

The expression "court of summary jurisdiction" means any justice of the peace, also any officer or other magistrate having the authority in England or Scotland of a justice of the peace, also in Scotland the sheriff.

The expression "officer of a court of summary jurisdiction" means the constable, officer, or person to whom any process issued by the court is directed, or who is by law required or authorised to serve or execute any process issued by the court.

SCHEDULE.

INDORSEMENT IN BACKING A PROCESS.

WHEREAS proof hath this day been made before me, one of Her Majesty's justices of the peace [sheriff *or other magistrate*] for the [county *or* burgh] of , that the name of *A.B.* to the within warrant [*or* summons *or* order *or* minute, *or* copy of order *or* minute *or other document*] subscribed is of the handwriting of the justice of the peace [sheriff *or other magistrate*] within mentioned, I do therefore hereby authorise *C.D.* who bringeth to me this warrant [*or* summons *or* order *or* minute, *or* copy of order *or* minute *or other document*,] and all other persons by whom the same may be lawfully served [*or* executed], and also all constables and other peace officers of the said [county *or* burgh] of to serve and execute the same within the last-mentioned [county *or* burgh].

Given under my hand this day of 18 .

CAP. XXV.

An Act to extend for a period not exceeding Three Years the term fixed for the Repayment of Loans granted by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to Incumbents of Benefices.

[11th August 1881.

Be it enacted, &c.:

1. *Power to Governors of Queen Anne's Bounty to extend period for repayment of loans, &c.*] The Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy (herein-after called the "Governors") may by resolution passed by them at a board meeting, from time to time extend for a period not exceeding three years the term fixed for the repayment of any money lent by them to or for the incumbent of any benefice under the powers of one or more of the Acts enumerated in the Schedule hereto, such extension of terms to be accompanied, at the discretion of the Governors, by the suspension for one, two, or three years of the payment of the annual instalment of principal due or to become due from the incumbent; such suspended annual instalments to be subsequently payable by the incumbent for the time being in respect of the year or years which by the aforesaid extension shall have been added to the term created by the mortgage affected thereby, and begin to accrue due as soon as the residue of the principal money shall have become repayable.

2. *Limitation of duration of discretionary powers.*] The discretionary powers given by this Act shall not be exercisable beyond three years from the passing hereof, and the

application of the provisions of this Act shall not in any way invalidate the instruments of security under which loans have been or may be granted by the Governors; the said provisions shall extend and apply to such instruments as if originally fully and expressly inserted therein, provided always, that the foregoing provisions shall not authorise the Governors to relinquish any portion of the current interest due or to become due on such securities.

3. *Short title.*] This Act may be cited as the Incumbents of Benefices Loans Extension Act, 1881.

SCHEDULE.

17 Geo. III. c. 53; 21 Geo. III. c. 66; 7 Geo. IV. c. 66; 1 & 2 Vict. c. 23; 1 & 2 Vict. c. 106; 28 & 29 Vict. c. 69; 34 & 35 Vict. c. 43; 35 & 36 Vict. c. 96.

CAP. XXVI.

An Act to amend the Law relating to the use of Gunpowder in certain Stratified Ironstone Mines. [11th August 1881.

Be it enacted, &c.:

1. *Title of Act.*] This Act may be cited as the Stratified Ironstone Mines (Gunpowder) Act, 1881.

2. *Power to exempt ironstone mines from regulation as to cartridges under 35 & 36 Vict. c. 76, s. 51.*] (1.) It shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, on the application of the owner, agent, or manager of any stratified ironstone mine in the lias formation, to exempt such mine from so much of the general rule eight in the Coal Mines Regulation Act, 1872, as forbids gunpowder or other explosives or inflammable substance from being taken into or being in the possession of any person in any mine except in cartridges.

(2.) The application shall be transmitted by the owner, agent, or manager to the inspector of the district, and the requirements of sections fifty-three and fifty-seven of the Coal Mines Regulation Act, 1872, as to the posting of any proposed special rule, shall extend to any such application: Provided that the exemption shall not come into force until granted by the Secretary of State.

(3.) The Secretary of State may at any time revoke such exemption, but such revocation shall not come into force until written or printed notice thereof has been posted up at the mine for twenty-four hours.

(4.) A list of the exemptions granted or revoked under this Act shall be set forth by the inspector of the district in his annual report.

CAP. XXVII.

An Act to amend the Burial Grounds (Scotland) Act, 1855. [11th August 1881.

CAP. XXVIII.

An Act to make provision for the payment by reduced Instalments of Loans under the Seed Supply (Ireland) Act, 1880; and to amend and explain the Relief of Distress (Ireland) Amendment Act, 1880, and the Local Government Board (Ireland) Act, 1872. [11th August 1881.

CAP. XXIX.

An Act further to facilitate the building, enlargement, and maintenance of Reformatory Institutions in Ireland. [11th August 1881.

CAP. XXX.

An Act to provide for the employment of certain Officers and Clerks by the Commissioners of Customs. [11th August 1881.

CAP. XXXI.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [11th August 1881.

CAP. XXXII.

An Act to remit certain Loans formerly made out of the Consolidated Fund. [11th August 1881.

CAP. XXXIII.

An Act to amend the Summary Procedure Act, 1864. [11th August 1881.

Whereas, by an Act passed in the ninth year of King George the Fourth, chapter forty-nine, intituled an Act to authorise additional Circuit Courts of Justiciary to be held and to facilitate criminal trials in Scotland, provision was made for the summary prosecution of offences before sheriffs of counties in certain cases:

And whereas by an Act passed in the Parliament held in the seventh year of King William the Fourth and the first year of Her present Majesty, chapter forty-one, intituled "An Act for the more effectual recovery of small debts in the sheriff courts and for regulating the establishment of circuit courts for the trial of small debt causes by the sheriffs in Scotland," herein-after called the Small Debt Act, 1837, provision was made for the recovery of statutory penalties by way of action in the sheriff court and a scale of fees was fixed for such prosecutions:

And whereas by the Summary Procedure Act, 1864, further provision was made for the trial of offences punishable on summary conviction, and for the summary recovery of penalties:

And whereas by the Summary Jurisdiction Act, 1879, additional powers were conferred upon courts of summary jurisdiction in England to mitigate and modify punishments in summary proceedings:

And whereas it is expedient to amend the Summary Procedure Act, 1864, to extend certain of the provisions of the Summary Jurisdiction Act, 1879, to Scotland, and also to regulate the costs and expenses of summary procedure in Scotland:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Summary Jurisdiction (Scotland) Act, 1881, and shall be construed as one with the Summary Procedure Act, 1864, so far as consistent with the tenour of these Acts respectively, and these Acts may be cited together as the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and shall apply to Scotland only.

2. *Commencement of Act.*] This Act shall commence on the first day of January one thousand eight hundred and eighty-two.

3. *Application*—38 & 39 *Vict. c.* 62—31 & 32 *Vict. c.* 123.] The provisions of the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, herein-after called the Summary Jurisdiction Acts, shall apply to all summary proceedings as enumerated and described in the third section of the Summary Procedure Act, 1864, and to all proceedings of the like nature which by any future Act are directed or authorised to be taken summarily, or under the provisions of the Summary Jurisdiction Acts, and the thirty-second section of the Summary Procedure Act, 1864, is hereby repealed: And it shall not be necessary in any case to keep a record of the evidence, except so far as may be required by the Act conferring jurisdiction in the matter of the prosecution, or by the sixth section of the Summary Prosecutions Appeals (Scotland) Act, 1875. Whereas doubts have arisen whether the third section of the Summary Procedure (Scotland) Act, 1864, includes and applies to prosecutions under the twenty-third and twenty-fourth sections of the Salmon Fisheries (Scotland) Act, 1868, be it enacted, that the provisions of the Summary Jurisdiction Acts shall apply to such prosecutions, and in all similar cases when in addition to a penalty a forfeiture is provided by statute. The provisions of the Summary Jurisdiction Acts shall also apply to prosecutions under the Tweed Fisheries Acts: Provided always, that it shall be in the option of the prosecutor to proceed either under the forms of the Tweed Fisheries Acts, or under the forms of the Summary Jurisdiction Acts: Provided also, that where there is a general or local Police Act in force, it shall be optional in police prosecutions either to use the forms prescribed by such Act, or the forms provided by the Summary Jurisdiction Acts.

4. *Regulation of expenses.*] The costs and expenses of all complaints and proceedings instituted under the Summary Jurisdiction Acts shall be regulated by the table of fees contained in the Schedule A. to this Act annexed, and no other

or higher fees shall be allowed on taxation, and where expenses shall be awarded against a respondent the decree shall be subject to the following limitations:—

(a.) Where the penalty or penalties imposed shall not exceed twelve pounds the total expenses decerned for shall not exceed three pounds.

(b.) Where the penalty or penalties imposed shall not exceed twelve pounds but it appears to the Court that the reasonable expenses of the complainer's witnesses, together with the other expenses, exceed the sums herein-before allowed, the Court may direct the expenses of such witnesses to be paid in whole or in part out of the penalty.

The directions contained in the schedule shall be deemed to be part of this enactment.

5. *Amount of expenses to be stated in conviction or decree.*] In all proceedings under the Summary Jurisdiction Acts in every conviction, order, decree of absolvitor, decree dismissing the complaint, or other decree disposing of the complaint, and not at any subsequent time, the Court may, subject to the foregoing provisions, when a finding of expenses is competent, find such sum to be due in name of expenses, if any, as it considers reasonable. Expenses shall in all cases be recovered as if they formed part of the penalty, and the same diligence shall follow in case of default in payment.

6. *Power to mitigate penalties.*] In all proceedings under the Summary Jurisdiction Acts—

(a.) Where the punishment of imprisonment is imposed by Act of Parliament, the Court may, if it thinks the justice of the case demands it, substitute for imprisonment a fine not exceeding twenty-five pounds or reduce the amount of imprisonment, and notwithstanding any enactment to the contrary impose the same without hard labour, and when the punishment of a penalty or fine is imposed it may reduce the amount of such fine, and when in the case either of imprisonment or a fine the respondent is required to come under his own obligation or to find caution or security for keeping the peace and observing some other condition, or to do any of such things, the Court may dispense with any such requirement or any part thereof:

Provided that nothing in this Act shall authorise the Court to reduce the amount of a fine when the Act prescribing such amount carries into effect a treaty, convention, or agreement with a foreign state, and such treaty, convention, or agreement stipulates for a fine of minimum amount:

Provided further, that this section shall not apply to proceedings taken under any Act relating to any of Her Majesty's regular or auxiliary forces:

(b.) Where a warrant of imprisonment is granted, whether in default of payment of a penalty or expenses, or for failure to find caution or security, or in default of recovery of sufficient goods by poinding and sale, when the amount adjudged to be paid, or for which security is to be found—

Does not exceed ten shillings	The period of imprisonment shall not exceed seven days.
Exceeds ten shillings but does not exceed one pound	Fourteen days.
Exceeds one pound but does not exceed five pounds	One month.
Exceeds five pounds but does not exceed twenty pounds	Two months.
Exceeds twenty pounds	Three months.

(c.) Where any sum is adjudged to be paid, the Court may do any or all of the following things:

(1.) Allow time for payment:

(2.) Direct payment to be made by instalments:

(3.) Require security or caution to be found for the payment of such sums or instalments at such time or times as the Court may prescribe:

Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

The Court directing payment of a sum or of an instalment may direct the payment to be made at such times and places and to such person as the Court may specify, and every person to whom such sum or instalment is paid, where not the clerk of Court, shall as soon as may be pay over or account for the same to the clerk, to be applied by him in manner provided by the special Act. In complaints not founded on any special Act the maximum sentence shall continue to be as defined by the first recited Act.

7. *Powers of sheriff.*] In all prosecutions which might competently have been instituted by summary complaint and under the Summary Jurisdiction Acts, but which shall be instituted by criminal libel and shall be tried by the sheriff and a jury, the sheriff or his substitute shall have all the powers conferred by the preceding section upon the Court in proceedings under the Summary Jurisdiction Acts.

8. *Imprisonment competent in default of recovery by poinding — Execution of warrants of poinding and sale* —7 *Will.* 4 & 1 *Vict.* c. 41.] (1.) Subject to the provisions of section six, in all proceedings under the Summary Jurisdiction Acts where a warrant of poinding and sale is competent, a warrant of imprisonment in default of recovery of sufficient goods shall likewise be competent for a period not exceeding three months, and the court shall specify the term of imprisonment in the warrant.

(2.) All warrants of poinding and sale under the Summary Jurisdiction Acts shall be executed in manner provided by the Small Debt Act, 1837, provided that in place of the customary notice of sale, notice of every sale under such warrants shall be given by advertisement in some newspaper circulating in the place of sale on the day of sale or within three days preceding the same.

9. *Procedure.*] (1.) Every complaint at the instance of a private prosecutor or complainer under the Summary Jurisdiction Acts may be signed either by such private prosecutor or complainer, or by a duly qualified law agent on his behalf, and such law agent may, in the absence of the private prosecutor or complainer, appear in Court, and conduct the prosecution on his behalf.

(2.) In all cases where a warrant of citation or apprehension is to be granted on sworn information, such information may be sworn to before any justice of the peace or magistrate of a burgh, although the prosecution is to be before the sheriff.

(3.) Where an adjournment is granted on the respondent's application, the court may, instead of ordaining the respondent to find security to appear, appoint the respondent to attend the sitting of the court to which the case is adjourned under a suitable penalty in case he shall fail to appear.

(4.) In all cases where an appeal is competent, it shall be in the power of the Court of Appeal, on the application of either party and on such terms as to the Court shall seem fit, to amend the case, and all appeals from proceedings under the Summary Jurisdiction Acts shall be taken to the High Court of Justiciary at Edinburgh or on circuit.

(5.) A warrant of imprisonment may be in the form contained in the Schedule R. to this Act annexed.

10. *Boundaries of jurisdiction.*] In all proceedings for the trial of offences under the Summary Jurisdiction Acts—

(1.) Where the offence is committed in any harbour, river, arm of the sea, or other water (tidal or other) which runs between or forms the boundary of the jurisdiction of two or more courts, such offence may be tried by any one of such courts:

(2.) Where the offence is committed on the boundary of the jurisdiction of two or more courts, or within the distance of five hundred yards of any such boundary, or is begun within the jurisdiction of one court and completed within the jurisdiction of another court, such offence may be tried by any one of such courts:

(3.) Where the offence is committed on any person, or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried by any court through whose jurisdiction such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed, and where the side, bank, centre, or other part of the highway, road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of the jurisdiction of two or more courts

a person may be tried for such offence by any one of such courts:

(4.) Any offence which is authorised by this section to be tried by any court may be dealt with, heard, tried, determined, adjudged, and finished, as if the offence had been wholly committed within the jurisdiction of such court.

11. *Application to Government prosecutions*—27 & 28 *Vict. c.* 53.] The Summary Jurisdiction Acts shall apply to all summary proceedings under the statutes relating to the Post Office.

Every offence under the statutes relating to the Post Office for which a person is liable to forfeit a sum not exceeding twenty pounds may be prosecuted in manner provided by the Summary Jurisdiction Acts.

The Summary Jurisdiction Acts shall, notwithstanding any special provisions to the contrary contained in any of the statutes relating to Her Majesty's revenue under the control of the Commissioners of Inland Revenue or the Commissioners of Customs, apply to all summary proceedings under or by virtue of any of the said statutes; and in such proceedings it shall be lawful to grant decree for the condemnation of goods seized as forfeited under the provisions of the said Acts, and prosecutions under the Revenue Acts shall continue to be subject to appeal to quarter sessions and to the Court of Exchequer in Scotland in manner therein provided:

Provided that where the sum adjudged by conviction under or by virtue of any of the said statutes to be paid exceeds fifty pounds, the period of imprisonment imposed in respect of the non-payment of such sum, or in respect of the default of a sufficient distress to satisfy such sum, may exceed three months but shall not exceed six months.

And the twenty-fifth section of the Summary Procedure Act, 1864, is hereby repealed in so far as it applies to proceedings under any of the statutes relating to Her Majesty's revenue.

12. *Summonses, &c., may be served by police constables.*] All summonses, complaints, warrants, orders, or other process in prosecutions under the Summary Jurisdiction Acts at the instance of procurators fiscal, parochial boards, or school boards may be served and executed by police constables within the county, burgh, or police district in which the persons upon whom the same are to be served or executed shall reside or may be found.

SCHEDULE A.

TABLE OF FEES.

I.—To the Procurator Fiscal or Qualified Law Agent acting for a Private Prosecutor.

	£	s.	d.
Framing the complaint and whole proceedings prior to trial	0	7	6
Each copy of complaint for service	0	1	0
Attending at trial—			
If plea of guilty	0	5	0
If proof led	0	7	6
If case adjourned for second diet	0	5	0

II.—Court or Clerk's Dues.

For each complaint	0	2	6
For whole proceedings at trial—			
If plea of guilty	0	2	6
If proof led	0	5	0
Extract of any judgment, conviction, or order	0	1	0
To the bar officer for whole proceedings—			
If plea of guilty	0	0	6
If proof led	0	1	0

III.—Officer's Fees.

For serving each complaint and returning execution	0	1	6
For citing each witness	0	0	6
For apprehending a respondent or witness	0	2	6
For each hour the prisoner is necessarily in the custody of the officer beyond the first	0	1	0
For travelling expenses, poinding, sale, or arrestment, the same allowances as in 1 Vic., cap. 41.			

In any case where a concurrent or assistant is required he will be allowed a sum equal to two-thirds of the fee payable to the officer for the same business.

Where an officer or concurrent has to charge for a conveyance, the mileage rates will not be allowed.

SCHEDULE B.

Decerns and adjudges the said to be imprisoned for the space of , and thereafter to be set at liberty, and for that purpose grants warrant to officers of law to convey the said to the prison of , thereafter to be dealt with in due course of law.

If the sentence of imprisonment is alternative the necessary variation will be made in this form.

CAP. XXXIV.

An Act to amend the Metropolitan Open Spaces Act, 1877. [11th August 1881.

Whereas by the Metropolitan Open Spaces Act, 1877, certain facilities were provided for making available the open spaces in the metropolis for the use of the inhabitants thereof for exercise and recreation, and it is expedient to amend and extend the said Act, and to provide greater facilities for the purpose aforesaid:

Be it enacted, &c.:

1. *Interpretation clause*—18 & 19 *Vict. c.* 120.] In this Act, unless the context otherwise requires—

"Open space" means any land (whether inclosed or uninclosed) which is not built on, and which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied; but shall not include any inclosed land which has not a public road or footpath completely round the same;

"The metropolis" means the metropolis as defined by the Metropolis Management Act, 1855;

"The Metropolitan Board" means the Metropolitan Board of Works as constituted by the same Act;

"Vestry" means a vestry of one of the parishes specified in Schedule A. of the same Act;

"District board" means a board of works of one of the districts specified in Schedule B. of the same Act;

"The corporation" means the mayor and commonalty and citizens of the city of London, and the powers conferred upon them by this Act may be exercised by the mayor, aldermen, and commons of the said city in common council assembled;

The "owner" of a churchyard, cemetery, or burial ground, means the person or persons, corporation sole, or body corporate, in whom the soil and freehold of such churchyard, cemetery, or burial ground is vested, whether as appurtenant or incident to any benefice or cure of souls, or otherwise.

The term "burial ground" shall include any ground, whether consecrated or not, which has been at any time set apart for the purposes of interment, and in which interments have taken place since the year 1800.

2. *Power to trustees to transfer certain open spaces to local authority.*] Where any open space within the metropolis is under the provisions of any Private or Local Act of Parliament placed under the care and management of trustees or other persons, with a view to the preservation and regulation of the same as a garden or open space, it shall be lawful for the said trustees or other the managing body thereof for the time being, in pursuance of any resolution duly passed as herein-after mentioned, and with the consent, to be signified in manner herein-after appearing, of the owners and occupiers of any houses fronting upon, or the owners or occupiers of which are liable to be specially rated for the maintenance of the open space, to convey, assign, or transfer for valuable or nominal consideration, or by way of gift, to the Metropolitan Board, or to the vestry or district board of the parish or district in which such open space or any part thereof is situate, the soil and freehold of, or other their entire interest in, or (where no interest in the soil of such open space is vested in them) the entire care and management of the said open space, to the end that the same may be preserved for the enjoyment of the public; and upon such conveyance, assignment, or transfer such trustees or other managing body shall be relieved and discharged from all trusts, powers, and duties imposed upon them by the Act or other instrument under which they were constituted, or under which they then act or otherwise with reference to the said open space, but shall

hold any purchase money paid for or in respect of the said open space in trust for the benefit of the persons or class of persons for whose benefit the said open space was previously preserved and managed by the said trustees, and such persons or class of persons shall be discharged from any special rate or other obligation previously imposed on them in respect of such open space.

It shall be lawful for any such trustees or managing body as aforesaid, in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, for any valuable or nominal consideration, by way of rent or otherwise, or without any consideration, to grant or transfer to the Metropolitan Board, or to any such vestry or district board as aforesaid, any term of years or other limited interest in or any right or easement over such open space, or to enter into any agreement with the Metropolitan Board or any such vestry or district board as aforesaid for the opening to the public of such open space, and the care and management thereof by such board or vestry at all times or at any specified time or times, without the transfer to such board or vestry of any interest in the soil of such open space; and any such grant, demise, transfer, or agreement as aforesaid shall be deemed a good execution of the trusts, powers, and duties imposed upon the said trustees by the Act or other instrument under which they are constituted or act.

A resolution under this section shall be deemed to have been duly passed if at a meeting of the trustees or other the persons constituting such managing body as aforesaid, summoned by at least one month's notice in writing left at or sent by post to their last known or usual place of abode, such resolution shall have been passed by a majority of two thirds in number of the persons present at such meeting, and if such resolution shall also have been confirmed by two thirds in number of the persons present at a second like meeting, to be summoned by such notice as aforesaid, and to be held at an interval of not less than one calendar month from the first meeting.

The consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if, at a meeting of such persons summoned by at least one month's notice in writing given as hereinafter directed, a resolution shall have been passed by a majority of at least two thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, vestry, or district board as aforesaid; and if such resolution shall also have been confirmed by two thirds in number of such owners and occupiers present at a second like meeting, to be summoned in like manner to the first meeting, and to be held at an interval of not less than one calendar month from the first meeting.

Notice of such meeting shall be given by leaving the same or sending the same through the post to every house fronting upon, or the owner or occupier of which is liable to be specially rated for the maintenance of, the said open space, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting, and no such meeting shall be held between the first day of August in one year and the thirty-first day of January in the following year.

For the purposes of this section the owner of a house shall include any person entitled to any term of years therein; and the occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

If at any meeting of such trustees or managing body, or at any meeting of such owners or occupiers as before mentioned, the resolution proposed at any such meeting be not carried, no meeting shall be called or held with the same object in respect to the same garden or open space until the expiration of three years from the day on which such resolution so proposed was rejected at any such meeting as above mentioned.

A conveyance, assignment, demise, grant, or agreement under this section shall be made by an instrument under the common seal of the trustees or other managing body if such body be a corporation, and if it be not a corporation under the hands and seals of any five members of such body, or of all the members thereof if for the time being they be less than five in number.

The trustees or other the managing body of any such open space as aforesaid may (anything contained in the Act or other instrument under which they are constituted or act to the contrary notwithstanding), in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, signified as aforesaid, admit persons not owning, occupying, or residing in any house fronting on the said open space to the enjoyment of the said open space at all times, or at any specified time or times, and may regulate the admission of such persons thereto on such terms and conditions in all respects as the trustees may think proper.

Any trustees so acting as aforesaid shall have the same power of making bye-laws as that conferred by the fourth section of the Act passed in the twenty-sixth year of Her Majesty, chapter thirteen, intituled "An Act for the protection of certain garden or ornamental grounds in cities "and boroughs upon the committee therein mentioned."

Where the freehold of any such open space as is referred to in this section, and the freehold of all or of the major part of the houses round such open space are vested in the same person or persons, the powers conferred by this section shall not be exercised without the consent of such person or persons.

3. *Power to transfer other open space to local authority.*] The owner of any open space within the metropolis which is subject to rights of user for exercise and recreation (secured by covenant or otherwise) in the owners and occupiers (or either of such classes) of any houses round or near the same may, with the consent (to be signified in manner herein after appearing) of such owners and occupiers of houses, convey to the Metropolitan Board, or to the vestry or district board of the parish or district in which such open space or any part thereof is situate, the soil of the said open space in trust for the enjoyment of the public; and the owner or any person or persons in whom any term of years or other limited interest in such open space is vested may, with the like consent, grant or transfer to the Metropolitan Board or such vestry or district board as aforesaid, in trust as aforesaid, any term of years or other limited interest in or any right or easement over such open space, or enter into any agreement with the Metropolitan Board or any such vestry or district board as aforesaid for the opening to the public of such open space, and the care and management thereof by such board or vestry either at all times or at any specified time or times without the transfer to such board or vestry of any interest in the soil of such open space.

The consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if at a meeting of such persons summoned by at least one month's notice in writing (given as hereinafter directed) a resolution shall have been passed by a majority of at least two thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, vestry, or district board as aforesaid, and the owner shall be thereupon discharged from any liability to any person entitled to such right of user as aforesaid in respect of any act done in accordance with such resolution.

Notice of such meeting shall be given by leaving the same or sending the same through the post to every house, the owner or occupier of which is entitled to any right of user, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting; and no such meeting shall be held between the first day of August in one year and the thirty-first day of January in the following year.

For the purposes of this section the owner of an open space shall be any person or persons in whom the soil of the open space is vested for an estate in possession during his or their life or lives or for any larger estate; the owner of a house shall include any person entitled to any term of years therein; and the occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

4. *Power to transfer disused burial grounds to local authority.*] The owner of any churchyard, cemetery, or burial ground situate within the metropolis and closed for burials

either under an order of Her Majesty the Queen in Council, or otherwise, may convey the soil of such churchyard, cemetery, or burial ground, or grant any term of years or other limited interest therein to or enter into any agreement with the Metropolitan Board or the vestry or district board of the parish or district in which such churchyard, cemetery, or burial ground, or any part thereof, is situate for the purpose of giving the public access to the said churchyard, cemetery, or burial ground, and preserving the same as an open space accessible to the public, and under the control of such board or vestry, and for the purpose of improving and laying out the same.

5. *Powers and duties of local authority.*] The Metropolitan Board and the vestry or district board of the parish or district within which any open space, churchyard, cemetery, or burial ground, or any part thereof, is situate may, by agreement, and for valuable or nominal consideration by way of payment in gross or of rent, or otherwise, or without any consideration, take and hold the soil and freehold of, or any term of years or other limited estate or interest in, or any right or easement in or over any open space, churchyard, cemetery, or burial ground, and may, with reference to any open space, churchyard, cemetery, or burial ground, undertake the entire or partial care, management, and control thereof, whether any interest in the soil is transferred to the board or vestry or not, and may for the purposes aforesaid enter into any agreement with the persons authorised by this Act to agree with reference to any open space, churchyard, cemetery, or burial ground or with any other persons interested therein.

Any estate or interest in or control over any open space, churchyard, cemetery, or burial ground acquired by the Metropolitan Board, or any vestry or district board under the provisions of this Act, shall be held and administered by such board or vestry in trust to allow, and with a view to, the enjoyment by the public of such open space, churchyard, cemetery, or burial ground in an open condition, free from buildings and under proper control and regulation, and for no other purpose, but such Metropolitan Board, vestry, or district board shall not allow the playing of any games or sports therein; and the board or vestry shall maintain and keep the same in a good and decent state, and may inclose or keep the same inclosed with proper railings and gates, and may drain, level, lay out, turf, plant, ornament, light, seat, and otherwise improve the same, and do all such works and things, and employ such officers and servants, as may be requisite for the purposes aforesaid, or any of them.

Provided that no board or vestry shall exercise any of the powers of management in this Act mentioned with reference to any consecrated ground, unless and until they are authorised so to do by the license or faculty in that behalf of the bishop of the diocese in which such consecrated ground is situate, which license or faculty may be granted by such bishop upon the application of the board or vestry, and may extend to the removal of any tomb-stone or monument, under such conditions and subject to such restrictions as to the bishop may seem fit.

6. *Byelaws.*] The Metropolitan Board and any vestry or district board may, with reference to any open space, churchyard, cemetery, or burial ground in or over which it has acquired any estate, interest, or control under the provisions of this Act, make byelaws for the regulation thereof, and of the days and times of admission thereto, and the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties for the infringement thereof and provide for the removal of any person infringing any such byelaw by any officer of the board or vestry or police constable.

Byelaws made under this Act shall be made in the same manner and subject to the same conditions as byelaws made by the Metropolitan Board or by a vestry or district board, as the case may be, under the Metropolis Management Act, 1855.

7. *Metropolitan Board and vestry or district board may carry out Act jointly.*] The Metropolitan Board, or any vestry or district board, and where an open space extends into two or more parishes or districts two or more vestries or district boards, either with or without the Metropolitan Board, may jointly carry out the provisions of this Act, and may enter into any agreement, on such terms as may be arranged between them, for so doing and for defraying the expenses of the execution of the Act, and the Metropolitan Board may defray the whole or any part of the expenses of the execution of this Act by any vestry or district board, and any vestry or district board may similarly defray the whole or any part of the expenses of the Metropolitan Board or, where an open space extends into two or more parishes or districts, of any other vestry or district board.

8. *Provision for extra-parochial places.*] Where any open space, churchyard, cemetery, or burial ground, by virtue of any Act of Parliament or otherwise, is extra-parochial, or forms part of some parish other than that which surrounds the same, the vestry or district board acting for the parish surrounding the same may carry out, or may enter into agreement with any one or more vestries or district boards acting for any other parishes, on such terms as may be arranged between them, and may jointly carry out, the provisions of this Act, and shall have the same powers in every respect as if such open space, churchyard, cemetery, or burial ground were part of the parish or district of such vestry or district board.

9. *Provision for compensation*—8 & 9 *Vict. c.* 18.] No estate, interest, or right of a profitable or beneficial nature in, over, or affecting an open space, churchyard, cemetery, or burial ground shall, except with the consent of the body or person entitled thereto, be taken away or injuriously affected by anything done under this Act without compensation being made for the same; and such compensation shall be paid by the Metropolitan Board, vestry, or district board by which such estate, interest, or right is taken away or injuriously affected, and shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or the injurious affecting of lands under the provisions of the Lands Clauses Consolidation Act, 1845, and any Acts amending the same.

10. *Expenses.*] All expenses incurred under this Act by the Metropolitan Board or by any vestry or district board shall be defrayed out of the funds at their disposal respectively, or which they respectively are empowered to raise under the Metropolis Management Act, 1855, and the several Acts amending the same, and such expenses shall be deemed to be expenses for which provision is made by such Acts.

11. *Extent of Act*—14 & 15 *Vict. c.* 95—29 & 30 *Vict. c.* 122—32 & 33 *Vict. c.* 107.] This Act shall extend only to the metropolis, and shall not extend to the royal parks or to any land belonging to Her Majesty in right of her Crown or of her Duchy of Lancaster, or to any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any metropolitan common within the meaning of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869.

12. *Application in city of London*—41 & 42 *Vict. c.* cxxvii.] The powers in this Act conferred on and in relation to the Metropolitan Board, vestries, and district boards shall in the city of London be exercised by and have relation to the corporation, who shall defray, out of the metage of grain duty or otherwise, all the expenses caused by or connected with the execution of such powers by them; and any byelaws made by the corporation for the regulation of any open space acquired under the powers of this Act shall be made and allowed in manner prescribed by the Corporation of London (Open Spaces) Act, 1878.

13. *Short title.*] This Act may be cited as the Metropolitan Open Spaces Act, 1881; and this Act and the Metropolitan Open Spaces Act, 1877, may together be cited as the Metropolitan Open Spaces Acts, 1877 and 1881.

CAP. XXXV.

An Act to amend the Law relating to Coroners in Ireland. [11th August 1881.

CAP. XXXVI.

An Act to authorise the establishment of a Court of Appeal for Her Majesty's colony of British Honduras. [11th August 1881.

CAP. XXXVII.

An Act to consolidate the Alkali Acts, 1863 and 1874, and to make further provision for regulating Alkali and certain other works in which noxious or offensive gases are evolved. [11th August 1881.

Be it enacted, &c.:

Preliminary.

1. *Short title.*] This Act may be cited as the Alkali, &c., Works Regulation Act, 1881.

2. *Commencement of Act.*] This Act shall (save as otherwise provided in this Act) come into operation on the first day of January, 1882, which date is herein-after referred to as the commencement of this Act.

Part I.

Alkali Works and Alkali Waste.

3. *Condensation of muriatic and other acid gases in alkali works.*] Every alkali work shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination, or from that of some other inspector—

(*a.*) Of the muriatic acid gas evolved in such work, to the extent of ninety-five per centum, and to such an extent that in each cubic foot of air, smoke, or chimney gases, escaping from the works into the atmosphere, there is not contained more than one-fifth part of a grain of muriatic acid.

(*b.*) Of the acid gases of sulphur and nitrogen which are evolved in the process of manufacturing sulphuric acid or sulphates in the work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases, escaping into the chimney or into the atmosphere, does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any alkali work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

4. *Best practicable means to be used for preventing discharge of noxious and offensive gases in alkali works.*] In addition to the condensation of acid gases as aforesaid, the owner of every alkali work shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air, smoke, or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any alkali work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

5. *Acid drainage and alkali waste to be kept apart*—39 & 40 *Vict. c.* 75.] Every work in which acid is produced or used shall be carried on in such manner that the acid shall not come in contact with alkali waste, or with drainage therefrom, so as to cause a nuisance.

The owner of any work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

On the request of the owner of any such work as is mentioned in this section the sanitary authority of the district in which such work is situate shall, at the expense of such owner, provide and maintain a drain or channel for carrying off the acid produced in such work into the sea or into any river or watercourse into which such acid can be carried without contravention of the Rivers Pollution Prevention Act, 1876; and the sanitary authority shall for the purpose of providing any such drain or channel have the like powers as they have for providing sewers, whether within or without their district, under the Public Health Act.

Compensation shall be made to any person for any damage sustained by him by reason of the exercise by a sanitary authority of the powers conferred by this section, and such compensation shall be deemed part of the expenses to be paid by the owner making the request to the sanitary authority under this section.

6. *Deposit or discharge of alkali waste.*] Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom.

Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

7. *Prevention of nuisance from alkali waste already deposited or discharged.*] Where alkali waste has been deposited or discharged, either before or after the commencement of this Act, and complaint is made to the chief inspector that a nuisance is occasioned thereby, the chief inspector, if satisfied of the existence of the nuisance, and that it is within the power of the owner or occupier of the land to abate it, shall serve a notice on such owner or occupier requiring him to abate the nuisance; and if such owner or occupier fails to use the best practicable and reasonably available means for the abatement thereof he shall be liable to a fine not exceeding twenty pounds, and if he does not proceed to use such means within such time as shall be limited by the court inflicting such fine then he shall be liable to a further penalty of five pounds per day from the expiration of the time so limited.

Part II.

Sulphuric Acid Works and other specified Works.

8. *Condensation of acid gases in sulphuric acid works.*] Every sulphuric acid work as defined in the schedule to this Act shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination or from that of some other inspector, of the acid gases of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in such work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases escaping into the chimney or into the atmosphere does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any sulphuric acid work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

9. *Best practicable means to be used for preventing discharge of noxious and offensive gases in scheduled works.*] The owner of any work specified in the schedule to this Act (hereinafter referred to as a scheduled work) shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification, in the case of sulphuric acid works, that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air smoke or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any such work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

10. *Provisional Order to prevent discharge of certain gases in salt works.*] An inspector may from time to time inquire whether, in any works in which the extraction of salt from brine is carried on, hereinafter called salt works, means can be adopted at a reasonable expense for preventing the discharge from the furnaces or chimneys of such works into the

atmosphere of sulphurous and muriatic acid gases evolved in such works, or either of such gases, or for rendering such gases, or either of them, harmless or inoffensive when discharged; also whether in any works in which aluminous deposits are treated for the purpose of making cement, hereinafter called cement works, such means as aforesaid can be adopted with respect to the noxious or offensive gases evolved from such works.

Where it appears to the Local Government Board that such means can be adopted at a reasonable expense the Board may from time to time by order require the owners of such works to adopt the best practicable means for the purpose, and may by the order limit the amount or proportion, in the case of salt works, of sulphurous or muriatic acid gas, and in the case of cement works of any noxious or offensive gas, which is to be permitted to escape from such works into the chimney or into the atmosphere, and may also by the order extend to such works such provisions of this Act relating to scheduled works as they see fit.

An order made under this section shall be provisional only and shall not be of any validity until confirmed by Parliament, but when so confirmed shall have full effect, with such modifications as may be made therein by Parliament; and the expression "this Act" when used in this Act shall be deemed to include an order so confirmed, so far as is consistent with the tenor of that order.

The Board shall take such steps as they may think fit for giving notice to persons interested of the provisions of any order made by them under this section before any Bill for confirming the same is introduced into Parliament.

An order made under this section may impose fines for a breach of its provisions of like amount as any fines imposed by this Act for offences against this Act.

Part III.

(i.) *Registration of Works.*

11. *Registration of works and stamp duty.*] (1.) An alkali work or a work to which Part II. of this Act applies shall not, after the first day of April 1882, be carried on unless it is certified to be registered.

(2.) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.

(3.) The owner of an alkali work or of a work required to be registered shall in the month of January or February in every year apply for a certificate of registration in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued, and shall be in force for one year from the first day of April following the said application.

(4.) The owner of an alkali work or of a work required to be registered erected after the commencement of this Act shall before commencing any manufacture or process in such work apply for such certificate in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued as soon as may be, and shall be in force until the next first day of April.

There shall be charged in respect of every such certificate, in the case of an alkali work, the duty of five pounds; and in the case of a work required to be registered, not being an alkali work, the duty of three pounds.

(5.) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall within one month after such change be sent by the owner to an inspector, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.

(6.) The owner of a work which is carried on in contravention of this section shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding five pounds for every day during which it is so carried on.

12. *Certificate of inspector prior to registration of new works.*] An alkali work or a scheduled work, erected after the commencement of this Act, or which has been closed for a period of twelve months, shall not be registered under this Act unless the work is furnished with such appliances as at the time of registration appear to the chief inspector after his own examination, or that of an inspector, or in case of difference to the central authority, to be necessary in order to enable the work to be carried on in accordance with such requirements of this Act as for the time being apply to such work.

13. *Supplemental provisions as to duties.*] The duties charged in respect of a certificate of registration under this Act shall be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery fraudulent dies and other offences in connexion with stamp duties, shall apply accordingly; and for the purpose of the said duties the Commissioners of Inland Revenue shall issue stamped forms of certificate, and the Commissioners may issue the same at any time after the passing of this Act.

(ii.) *Inspection.*

14. *Appointment of inspectors*—26 & 27 *Vict. c.* 124—37 & 38 *Vict. c.* 43.] The Local Government Board shall at any time after the passing of this Act, and from time to time, with the approval of the Commissioners of Her Majesty's Treasury as to numbers and salaries or remuneration, appoint such inspectors (under whatever title they from time to time fix) as the Board think necessary for the execution of this Act, and may assign them their duties and award them their salaries or remuneration, and shall constitute a chief inspector, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

Notice of the appointment of every such inspector shall be published in the London Gazette, and a copy of the Gazette shall be evidence of the appointment.

The salaries or remuneration of the inspectors, and such expenses of the execution of this Act as the Commissioners of Her Majesty's Treasury may sanction, shall be paid out of moneys provided by Parliament.

The inspector appointed before the commencement of this Act under the Alkali Acts 1863 and 1874, shall be deemed to be the first chief inspector under this Act, and the sub-inspectors appointed under those Acts before the commencement of this Act shall be deemed to be inspectors appointed under this Act. A person holding the office of chief inspector (other than the person at the commencement of this Act discharging the duties thereof) or inspector shall not be employed in any other work except by or with the sanction of the authority appointing him to such office.

15. *Disqualification of certain persons for inspectors.*] A person who acts or practises as a land agent, or who is engaged or interested directly or indirectly in any work to which this Act applies, or in any patent for any process or apparatus carried on or used in any such work, or in any process or apparatus connected with the condensation of acid gases, or with the treatment of alkali waste, or with preventing the discharge into the atmosphere or rendering harmless or inoffensive any noxious or offensive gas or otherwise with any of the matters dealt with by this Act, or who is employed in or about or in connection with any work to which this Act applies, or in any other chemical work for gain, shall be disqualified to act as an inspector under this Act.

16. *Powers of inspectors.*] For the purpose of the execution of this Act, an inspector may at all reasonable times by day or night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter and inspect any work to which this Act applies, and examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, and may ascertain the quantity of gas discharged into the atmosphere, condensed, or otherwise dealt with; and may enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing acid is likely to come into contact with alkali waste; and generally may inquire into all matters and processes which tend to show compliance or non-compliance with such of the provisions of this Act as are for the time being

applicable to the work or place entered, or which seem necessary or proper for the execution of his duties under this Act.

An inspector may, but so as not to interrupt the process of the manufacture, apply any tests and make any experiments he may think proper for the purpose of the execution of his duties under this Act.

17. *Facilities for inspection.*] The owner of any work which this Act applies shall, on the demand of the chief inspector, furnish him within a reasonable time with a plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas, or any process for the condensation of such gas or preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

The owner of every such work and his agents shall render to every inspector all necessary facilities for an entry inspection examination and testing in pursuance of this Act.

Every owner of a work in which such facilities are not afforded to an inspector as are required by this Act, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding ten pounds.

18. *Annual report to Local Government Board.*] The chief inspector shall on or before the first day of March in every year make a report in writing to the Local Government Board of the proceedings of himself and of the other inspectors under this Act, who shall furnish him with a detailed account of the number of inspections of works in their districts, and the recorded escapes of acid gases from such works during the preceding year, and a copy of such report shall be laid before both Houses of Parliament.

19. *Additional inspector on application of sanitary authorities.*] If any sanitary authority or authorities apply to the central authority for an additional inspector under this Act, and undertake to pay a proportion of his salary or remuneration, not being less than one half, out of any rate or rates leviable by such authority or authorities (which undertaking such authority or authorities are hereby authorised to give and to carry into effect), the Local Government Board may (if they see fit) from time to time, with the sanction of the Commissioners of Her Majesty's Treasury, appoint an additional inspector under this Act, to reside within a convenient distance of the works he is required to inspect; and such inspector shall have the same powers and be subject to the same power of removal and the same regulations and liabilities as other inspectors under this Act.

The proportion of salary or remuneration aforesaid shall be paid at the prescribed time or times into Her Majesty's Exchequer, and in the case of failure on the part of any sanitary authority to pay any sum payable by them in pursuance of this section, the same may be recovered by action in any court of competent jurisdiction.

(iii.) *Special Rules.*

20. *Power of owners of works to make special rules.*] The owner of an alkali work or a scheduled work may, with the sanction of the central authority, make, and when made, alter add to and repeal special rules for the guidance of his workmen who are employed in any process causing the evolution of any noxious or offensive gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless and inoffensive when discharged, and may annex fines to any violation of such rules, so that the fine for any offence do not exceed two pounds.

A printed copy of the special rules in force under this section in any work shall be given by the owner of that work to every person working or employed in or about that work who is affected thereby.

Any fine incurred under this Act in respect of an offence against a special rule may be recovered summarily.

(iv.) *Procedure.*

21. *Provision as to calculation of acid.*] In calculating the proportion of acid to a cubic foot of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases shall be calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

22. *Recovery of fines for offences against Act in county court.*] The following regulations are hereby enacted with respect to the recovery of fines for offences other than offences against a special rule.

Every such fine shall be recovered by action in the county court having jurisdiction in the district in which the offence is alleged to have been committed.

The action shall be brought, with the sanction of the central authority, by the chief inspector, or by such other inspector as the Local Government Board may in any particular case direct, within three months after the commission of the offence, and for the purposes of such action the fine shall be deemed to be a debt due to such inspector:

The plaintiff in any action for a fine under this Act shall be presumed to be an inspector authorised under this Act to bring the action, until the contrary is proved by the defendant:

The court may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as the court thinks just; and the amount so awarded shall be deemed to be costs in the action:

If either party in any action under this Act feels aggrieved by the decision of the court in point of law, or on the merits or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice:

The appeal shall be in the form of a special case to be agreed on by both parties or their solicitors, and if they cannot agree, to be settled by the judge of the county court on the application of the parties or their solicitors:

The court of appeal may draw any inference from the facts stated in the case that a jury might draw from facts stated by witnesses:

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts, and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the High Court of Justice, or any division or judge thereof, on such appeals, shall apply to an action for a fine under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court.

Within the city of London and the liberties thereof the sheriffs' court, established by a Local Act passed in the eleventh year of the reign of Her present Majesty, chapter seventy-one, intituled An Act for the more easy recovery of small debts and demands within the City of London and the liberties thereof, shall be deemed to be the county court for the purposes of this Act:

In Scotland the court of the sheriff or sheriff substitute of the county in which the offence is committed shall be the county court for the purposes of this Act, and may award costs to either party, and may sentence the offender to imprisonment for any period not exceeding six months, unless the fine and costs be previously paid; and any decision or sentence of such sheriff or sheriff substitute shall be subject to review and appeal according to law:

In Ireland such fines as are in this section mentioned may be recovered by civil bill, in the manner and with the appeal directed by an Act passed in the fourteenth and fifteenth years of Her present Majesty, chapter fifty-seven, or any Act or Acts amending the law relating to civil bills.

23. *Further provisions as to recovery of fines in county court.*] In any proceeding under this Act in relation to a fine for an offence other than an offence against a special rule—

(a.) It shall be sufficient to allege that any work is a work to which this Act applies, without more; and

(b.) It shall be sufficient to state the name of the registered or ostensible owner of the work, or the title of the firm by which the employer of persons in such work is usually known.

A person shall not be subject to a fine under this Act for

more than one offence in respect of the same work or place in respect of any one day.

Not less than twenty-one days before the hearing of any proceeding against an owner to recover a fine under this Act for failing to secure the condensation of any gas to the satisfaction of the chief inspector, or for failing to use the best practicable means as required by this Act, an inspector shall serve on the owner proceeded against a notice in writing stating, as the case requires, either the facts on which such chief inspector founds his opinion, or the means which such owner has failed to use, and the means which, in the chief inspector's opinion, would suffice, and shall produce a copy of such notice before the court having cognisance of the matter.

A person shall not be liable under this Act to an increased fine in respect of a second offence, or in respect of a third or any subsequent offence, unless a fine has been recovered within the preceding twelve months against such person for the first offence, or for the second or other offence, as the case may be.

24. *Application of fines.*] All fines recovered under this Act, except in respect of offences against a special rule, shall be paid into the receipt of Her Majesty's Exchequer.

25. *Discharge of owner on conviction of actual offender.*] The owner of a work in which an offence under this Act other than an offence against a special rule has been proved to have been committed shall in every case be deemed to have committed the offence, and shall be liable to pay the fine, unless he proves to the satisfaction of the court before which any proceeding is instituted to recover such fine, that he has used due diligence to comply with and to enforce the execution of this Act, and that the offence in question was committed by some agent servant or workman, whom he shall charge by name as the actual offender, without his knowledge consent or connivance; in which case such agent servant or workman shall be liable to pay the fine, and proceedings may be taken against him for the recovery thereof and of the costs of all proceedings which may be taken either against himself or against the owner under this Act:

Provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he believes to be the actual offender, without first proceeding against the owner, in any case in which it is made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this Act, and that the offence has been committed by the person whom he may charge therewith without the knowledge consent or connivance of the owner, and in contravention of his orders.

26. *Service of notices.*] Any notice summons or other document under this Act, may be in writing or print, or partly in writing and partly in print.

Any notice summons or document required or authorised for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by delivering the same to the owner, or at his residence or works; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and the same shall be deemed to be properly addressed if addressed to the registered address of an owner, or, when required to be served on or sent to the owner of any works if addressed to the owner of the works at the works, with the addition of the proper postal address, but without naming the person who is the owner.

27. *Complaint by sanitary authority in cases of nuisance*—18 & 19 *Vict. c.* 120—38 & 39 *Vict. c.* 55.] Where it appears to any sanitary authority, on the written representation of any of their officers, or of any ten inhabitants of their district, that any work (either within or without the district) to which this Act applies is carried on in contravention of this Act, or that any alkali waste is deposited (either within or without the district) in contravention of this Act, and that a nuisance is occasioned by such contravention to any of the inhabitants of their district, such authority may complain to the central authority, who shall make such inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken by an inspector as they think just.

The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry, and may pay the same out of the fund or rate applicable to the general expenses of such authority.

The expression "sanitary authority" in this section includes as regards the Metropolis, except the City of London, any vestry or district board elected under the Metropolis Management Act, 1855, also any local board of health, not being an urban sanitary authority within the meaning of the Public Health Act, 1875, and as regards the City of London shall mean the Commissioners of Sewers of the said city.

28. *Actions in case of contributory nuisance.*] Where a nuisance arising from any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of several persons, any person injured by such nuisance may proceed against any one or more of such persons, and may recover damages from each person made a defendant in proportion to the extent of the contribution of such defendant to the nuisance, notwithstanding that the act or default of such defendant would not separately have caused a nuisance. This section shall not apply to any defendant who can produce a certificate from the chief inspector that in the works of such defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

(v.) *Definitions; Repeal; Saving.*

29. *Interpretation of terms*—34 & 35 *Vict. c.* 70—38 & 39 *Vict. c.* 55—30 & 31 *Vict. c.* 101—41 & 42 *Vict. c.* 52.] In this Act, unless the context otherwise requires—

"Alkali work" means every work for the manufacture of alkali, sulphate of soda, or sulphate of potash, in which muriatic acid gas is evolved, and for the purpose of this definition the formation of any sulphate in the treatment of copper ores by common salt or other chlorides shall be deemed to be a manufacture of sulphate of soda.

"Noxious or offensive gas" does not include sulphurous acid arising from the combustion of coal.

"Owner" means the lessee, occupier, or any other person carrying on any work to which this Act applies.

"Prescribed" means prescribed from time to time by the Local Government Board, and "the Local Government Board" means the Local Government Board established by the Local Government Board Act, 1871.

"Central authority" means as regards England the said Local Government Board, as regards Ireland the Local Government Board for Ireland, and as regards Scotland one of Her Majesty's Principal Secretaries of State.

"Sanitary authority" means any local authority entrusted with the execution of the Public Health Act.

"The Public Health Act" means, as regards England, the Public Health Act, 1875; and as regards Scotland, the Public Health (Scotland) Act, 1867; and as regards Ireland, the Public Health (Ireland) Act, 1878.

"Person" includes a corporation.

30. *Repeal of* 26 & 27 *Vict. c.* 124, 31 & 32 *Vict. c.* 36, *and* 37 & 38 *Vict. c.* 43.] The following Acts, that is to say—

The Alkali Act 1863, (26 & 27 Vict. c. 124),

The Act to make perpetual the Alkali Act 1863, (31 & 32 Vict. c. 36), and

The Alkali Act 1874, (37 & 38 Vict. c. 43),

are hereby repealed without prejudice to anything done or suffered before the commencement of this Act, or to the recovery of any penalty incurred before or proceeding pending at the commencement of this Act; and any such penalty or proceeding may be recovered or continued as if this Act had not been passed.

31. *Saving as to general law.*] Nothing in this Act shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action indictment or otherwise, to which he would have been entitled if this Act had not passed.

SCHEDULE.

List of Works.

(1.) Sulphuric acid works, that is to say, any works in which the manufacture of sulphuric acid is carried on (not being alkali works within the meaning of the foregoing Act, and not being works to which the manufacture of sulphuric acid is carried on in conjunction with the extraction of copper or other metals from ore);

(2.) Chemical manure works, that is to say, any works in which the manufacture of chemical manure is carried on;

(3.) Gas liquor works, that is to say, any works in which gas liquor is used in any manufacturing process;

(4.) Nitric acid works, that is to say, any works in which the manufacture of nitric acid is carried on;

(5.) Sulphate of ammonia works and muriate of ammonia works, that is to say, any works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on; and

(6.) Chlorine works or works in which chlorine, bleaching powder, or bleaching liquor is made.

CAP. XXXVIII.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland; and for other purposes relating to Loans by those Commissioners. [22nd August 1881.

CAP. XXXIX.

An Act to provide for uniform Terms of entry to and removal from Houses within Burghs in Scotland. [22nd August 1881.

CAP. XL.

An Act to make farther provision in regard to the Registration of Parliamentary Voters, and also in regard to the taking of the Poll by means of Voting Papers, in the Universities of Scotland. [22nd August 1881.

CAP. XLI.

An Act for simplifying and improving the practice of Conveyancing; and for vesting in Trustees, Mortgagees, and others various powers, commonly conferred by provisions inserted in Settlements, Mortgages, Wills, and other Instruments; and for amending in various particulars the Law of Property; and for other purposes. [22nd August 1881.

Be it enacted, &c.:

I.—Preliminary.

1. *Short title; commencement; extent.*] (1.) This Act may be cited as the Conveyancing and Law of Property Act, 1881.

(2.) This Act shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-one.

(3.) This Act does not extend to Scotland.

2. *Interpretation of property, land, &c.*] In this Act—

(i.) Property, unless a contrary intention appears, includes real and personal property, and any estate or interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest:

(ii.) Land, unless a contrary intention appears, includes land of any tenure, and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings, also an undivided share in land:

(iii.) In relation to land, income includes rents and profits, and possession includes receipt of income:

(iv.) Manor includes lordship, and reputed manor or lordship:

(v.) Conveyance, unless a contrary intention appears, includes assignment, appointment, lease, settlement, and other assurance, and covenant to surrender, made by deed, on a sale, mortgage, demise, or settlement of any property, or on any other dealing with or for any property; and convey, unless a contrary intention appears, has a meaning corresponding with that of conveyance:

(vi.) Mortgage includes any charge on any property for securing money or money's worth; and mortgage money means money, or money's worth, secured by a mortgage; and mortgagor includes any person from time to time deriving title under the original mortgagor, or entitled to redeem a mortgage, according to his estate, interest, or right, in the mortgaged property; and mortgagee includes any person from time to time deriving title under the original mortgagee; and mortgagee in possession is, for the purposes of this Act, a mortgagee who, in right of the mortgage, has entered into and is in possession of the mortgaged property:

(vii.) Incumbrance includes a mortgage in fee, or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity, or other capital or annual sum; and incumbrancer has a meaning corresponding with that of incumbrance, and includes every person entitled to the benefit of an incumbrance, or to require payment or discharge thereof:

(viii.) Purchaser, unless a contrary intention appears, includes a lessee or mortgagee, and an intending purchaser, lessee, or mortgagee, or other person, who, for valuable consideration, takes or deals for any property; and purchase, unless a contrary intention appears, has a meaning corresponding with that of purchaser; but sale means only a sale properly so called:

(ix.) Rent includes yearly or other rent, toll, duty, royalty, or other reservation, by the acre, the ton, or otherwise; and fine includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift:

(x.) Building purposes include the erecting and the improving of, and the adding to, and the repairing of buildings; and a building lease is a lease for building purposes or purposes connected therewith:

(xi.) A mining lease is a lease for mining purposes, that is, the searching for, winning, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or licence for mining purposes:

(xii.) Will includes codicil:

(xiii.) Instrument includes deed, will, inclosure award, and Act of Parliament:

(xiv.) Securities include stocks, funds, and shares:

(xv.) Bankruptcy includes liquidation by arrangement, and any other act or proceeding in law having, under any Act for the time being in force, effects or results similar to those of bankruptcy; and bankrupt has a meaning corresponding with that of bankruptcy:

(xvi.) Writing includes print; and words referring to any instrument, copy, extract, abstract, or other document include any such instrument, copy, extract, abstract, or other document being in writing or in print, or partly in writing and partly in print:

(xvii.) Person includes a corporation:

(xviii.) Her Majesty's High Court of Justice is referred to as the Court.

II.—Sales and other Transactions.

Contracts for Sale.

3. *Application of stated conditions of sale to all purchases.*] (1.) Under a contract to sell and assign a term of years derived out of a leasehold interest in land, the intended assign shall not have the right to call for the title to the leasehold reversion.

(2.) Where land of copyhold or customary tenure has been converted into freehold by enfranchisement, then, under a contract to sell and convey the freehold, the purchaser shall not have the right to call for the title to make the enfranchisement.

(3.) A purchaser of any property shall not require the production, or any abstract or copy, of any deed, will, or other document, dated or made before the time prescribed by law, or stipulated, for commencement of the title, even though the same creates a power subsequently exercised by an instrument abstracted in the abstract furnished to the purchaser; nor shall he require any information, or make any requisition, objection, or inquiry, with respect to any such deed, will, or document, or the title prior to that time, notwithstanding that any such deed, will, or other document, or that prior title, is recited, covenanted to be produced, or noticed; and he shall assume, unless the contrary appears, that the recitals, contained in the abstracted instruments, of any deed, will, or other document, forming part of that prior title, are correct, and give all the material contents of the deed, will, or other document so recited, and that every document so recited was duly executed by all necessary parties, and perfected, if and as required, by fine, recovery, acknowledgment, inrolment, or otherwise.

(4.) Where land sold is held by lease (not including under-

lease), the purchaser shall assume, unless the contrary appears, that the lease was duly granted; and, on production of the receipt for the last payment due for rent under the lease before the date of actual completion of the purchase, he shall assume, unless the contrary appears, that all the covenants and provisions of the lease have been duly performed and observed up to the date of actual completion of the purchase.

(5.) Where land sold is held by under-lease, the purchaser shall assume, unless the contrary appears, that the under-lease and every superior lease were duly granted; and, on production of the receipt for the last payment due for rent under the under-lease before the date of actual completion of the purchase, he shall assume, unless the contrary appears, that all the covenants and provisions of the under-lease have been duly performed and observed up to the date of actual completion of the purchase, and further that all rent due under every superior lease, and all the covenants and provisions of every superior lease, have been paid and duly performed and observed up to that date.

(6.) On a sale of any property, the expenses of the production and inspection of all Acts of Parliament, inclosure awards, records, proceedings of courts, court rolls, deeds, wills, probates, letters of administration, and other documents, not in the vendor's possession, and the expenses of all journeys incidental to such production or inspection, and the expenses of searching for, procuring, making, verifying, and producing all certificates, declarations, evidences, and information not in the vendor's possession, and all attested, stamped, office, or other copies or abstracts of, or extracts from, any Acts of Parliament or other documents aforesaid, not in the vendor's possession, if any such production, inspection, journey, search, procuring, making, or verifying is required by a purchaser, either for verification of the abstract or for any other purpose, shall be borne by the purchaser who requires the same; and where the vendor retains possession of any document, the expenses of making any copy thereof, attested or unattested, which a purchaser requires to be delivered to him, shall be borne by that purchaser.

(7.) On a sale of any property in lots, a purchaser of two or more lots, held wholly or partly under the same title, shall not have a right to more than one abstract of the common title, except at his own expense.

(8.) This section applies only to titles and purchasers on sales properly so called, notwithstanding any interpretation in this Act.

(9.) This section applies only if and as far as a contrary intention is not expressed in the contract of sale, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(10.) This section applies only to sales made after the commencement of this Act.

(11.) Nothing in this section shall be construed as binding a purchaser to complete his purchase in any case where, on a contract made independently of this section, and containing stipulations similar to the provisions of this section, or any of them, specific performance of the contract would not be enforced against him by the Court.

4. *Completion of contract after death.*] (1.) Where at the death of any person there is subsisting a contract enforceable against his heir or devisee, for the sale of the fee simple or other freehold interest, descendible to his heirs general, in any land, his personal representatives shall, by virtue of this Act, have power to convey the land for all the estate and interest vested in him at his death, in any manner proper for giving effect to the contract.

(2.) A conveyance made under this section shall not affect the beneficial rights of any person claiming under any testamentary disposition or as heir or next of kin of a testator or intestate.

(3.) This section applies only in cases of death after the commencement of this Act.

Discharge of Incumbrances on Sale.

5. *Provision by Court for incumbrances, and sale freed therefrom.*] (1.) Where land, subject to any incumbrance, whether immediately payable or not, is sold by the Court, or out of Court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into Court, in case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land, of such amount as, when invested in Government securities, the Court considers will be sufficient, by means of the dividends thereof, to keep down or otherwise provide for that charge, and in any other case of capital money charged on the land, of the amount sufficient to meet the incumbrance and any interest due thereon; but in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency, except depreciation of investments, not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reason thinks fit to require a larger additional amount.

(2.) Thereupon, the Court may, if it thinks fit, and either after or without any notice to the incumbrancer, as the Court thinks fit, declare the land to be freed from the incumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale, and give directions for the retention and investment of the money in Court.

(3.) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(4.) This section applies to sales not completed at the commencement of this Act, and to sales thereafter made.

General Words.

6. *General words in conveyances of land, buildings, or manor.*] (1.) A conveyance of land shall be deemed to include and shall by virtue of this Act operate to convey, with the land, all buildings, erections, fixtures, commons, hedges, ditches, fences, ways, waters, watercourses, liberties, privileges, easements, rights, and advantages whatsoever, appertaining or reputed to appertain to the land, or any part thereof, or at the time of conveyance demised, occupied, or enjoyed with, or reputed or known as part or parcel of or appurtenant to the land or any part thereof.

(2.) A conveyance of land, having houses or other buildings thereon, shall be deemed to include and shall by virtue of this Act operate to convey, with the land, houses, or other buildings, all outhouses, erections, fixtures, cellars, areas, courts, courtyards, cisterns, sewers, gutters, drains, ways, passages, lights, watercourses, liberties, privileges, easements, rights, and advantages whatsoever, appertaining or reputed to appertain to the land, houses, or other buildings conveyed, or any of them, or any part thereof, or at the time of conveyance demised, occupied, or enjoyed with, or reputed or known as part or parcel of or appurtenant to the land, houses, or other buildings conveyed, or any of them, or any part thereof.

(3.) A conveyance of a manor shall be deemed to include and shall by virtue of this Act operate to convey, with the manor, all pastures, feedings, wastes, warrens, commons, mines, minerals, quarries, furzes, trees, woods, underwoods, coppices, and the ground and soil thereof, fishings, fisheries, fowlings, courts leet, courts baron, and other courts, view of frankpledge and all that to view of frankpledge doth belong, mills, mulctures, customs, tolls, duties, reliefs, heriots, fines, sums of money, amerciaments, waifs, estrays, chief-rents, quit-rents, rentscharge, rents seck, rents of assize, fee farm rents, services, royalties, jurisdictions, franchises, liberties, privileges, easements, profits, advantages, rights, emoluments, and hereditaments whatsoever to the manor appertaining or reputed to appertain, or at the time of conveyance demised, occupied, or enjoyed with the same, or reputed or known as part, parcel, or member thereof.

(4.) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(5.) This section shall not be construed as giving to any person a better title to any property, right, or thing in this section mentioned than the title which the conveyance gives to him to the land or manor expressed to be conveyed, or as conveying to him any property, right, or thing in this section mentioned, further or otherwise than as the same could have been conveyed to him by the conveying parties.

(8.) This section applies only to conveyances made after the commencement of this Act.

Covenants for Title.

7. *Covenants for title to be implied.*] (1.) In a conveyance there shall, in the several cases in this section mentioned, be deemed to be included, and there shall in those several cases, by virtue of this Act be implied, a covenant to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share of subject-matter expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common, that is to say:

(A.) In a conveyance for valuable consideration, other than a mortgage, the following covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

That, notwithstanding anything by the person who so conveys, or any one through whom he derives title, otherwise than by purchase for value, made, done, executed, or omitted, or knowingly suffered, the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed, subject as, if so expressed, and in the manner in which, it is expressed to be conveyed, and that, notwithstanding anything as aforesaid, that subject-matter shall remain to and be quietly entered upon, received, and held, occupied, enjoyed, and taken, by the person to whom the conveyance is expressed to be made, and any person deriving title under him, and the benefit thereof shall be received and taken accordingly, without any lawful interruption or disturbance by the person who so conveys or any person conveying by his direction, or rightfully claiming or to claim by, through, under, or in trust for the person who so conveys, or any person conveying by his direction, or by, through, or under any one not being a person claiming in respect of an estate or interest subject whereto the conveyance is expressly made, through whom the person who so conveys derives title, otherwise than by purchase for valne; and that, freed and discharged from, or otherwise by the person who so conveys sufficiently indemnified against, all such estates, incumbrances, claims, and demands other than those subject to which the conveyance is expressly made, as either before or after the date of the conveyance have been or shall be made, occasioned, or suffered by that person or by any person conveying by his direction, or by any person rightfully claiming by, through, under, or in trust for the person who so conveys, or by, through, or under any person conveying by his direction, or by, through, or under any one through whom the person who so conveys derives title, otherwise than by purchase for value; and further, that the person who so conveys, and any person conveying by his direction, and every other person having or rightfully claiming any estate or interest in the subject-matter of conveyance, other than an estate or interest subject whereto the conveyance is expressly made, by, through, under, or in trust for the person who so conveys, or by, through, or under any person conveying by his direction, or by, through, or under any one through whom the person who so conveys derives title, otherwise than by purchase for value, will, from time to time and at all times after the date of the conveyance, on the request and at the cost of any person to whom the conveyance is expressed to be made, or of any person deriving title under him, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of the conveyance to the person to whom the conveyance is made, and to those deriving title under him, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by him or them or any of them shall be reasonably required:

(in which covenant a purchase for value shall not be deemed to include a conveyance in consideration of marriage):

(B.) In a conveyance of leasehold property for valuable consideration, other than a mortgage, the following further covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

That, notwithstanding anything by the person who so conveys, or any one through whom he derives title otherwise than by purchase for value, made, done, executed, or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding anything as aforesaid, all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed, and performed up to the time of conveyance:

(in which covenant a purchase for value shall not be deemed to include a conveyance in consideration of marriage):

(C.) In a conveyance by way of mortgage, the following covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

That the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed by him, subject as, if so expressed, and in the manner in which it is expressed to be conveyed; and also that, if default is made in payment of the money intended to be secured by the conveyance, or any interest thereon, or any part of that money or interest, contrary to any provision in the conveyance, it shall be lawful for the person to whom the conveyance is expressed to be made, and the persons deriving title under him, to enter into and upon, or receive, and thenceforth quietly hold, occupy, and enjoy or take and have, the subject-matter expressed to be conveyed, or any part thereof, without any lawful interruption or disturbance by the person who so conveys, or any person conveying by his direction, or any other person not being a person claiming in respect of an estate or interest subject whereto the conveyance is expressly made; and that, freed and discharged from, or otherwise by the person who so conveys sufficiently indemnified against, all estates, incumbrances, claims, and demands whatever, other than those subject whereto the conveyance is expressly made; and further, that the person who so conveys and every person conveying by his direction, and every person deriving title under any of them, and every other person having or rightfully claiming any estate or interest in the subject-matter of conveyance, or any part thereof, other than an estate or interest subject whereto the conveyance is expressly made, will from time to time, and at all times, on the request of any person to whom the conveyance is expressed to be made, or of any person deriving title under him, but, as long as any right of redemption exists under the conveyance, at the cost of the person so conveying, or of those deriving title under him, and afterwards at the cost of the person making the request, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of conveyance and every part thereof to the person to whom the conveyance is made, and to those deriving title under him, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by him or them or any of them shall be reasonably required:

(D.) In a conveyance by way of mortgage of leasehold property, the following further covenant by a person who conveys and is expressed to convey as beneficial owner (namely):

That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid, and effectual lease or grant of the land conveyed and is in full force, unforfeited, and unsurrendered and in nowise become void or voidable, and that all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed, and performed up to the time of conveyance; and also that the person so conveying, or the persons deriving title under him, will at all times, as long as any money remains on the security of the

conveyance, pay, observe, and perform, or cause to be paid, observed, and performed all the rents reserved by, and all the covenants, conditions, and agreements contained in, the lease or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, and will keep the person to whom the conveyance is made, and those deriving title under him, indemnified against all actions, proceedings, costs, charges, damages, claims and demands, if any, to be incurred or sustained by him or them by reason of the non-payment of such rent or the non-observance or non-performance of such covenants, conditions, and agreements, or any of them:

(E.) In a conveyance by way of settlement, the following covenant by a person who conveys and is expressed to convey as settlor (namely):

That the person so conveying, and every person deriving title under him by deed or act or operation of law in his lifetime subsequent to that conveyance, or by testamentary disposition or devolution in law, on his death, will, from time to time, and at all times, after the date of that conveyance, at the request and cost of any person deriving title thereunder, execute and do all such lawful assurances and things for further or more perfectly assuring the subject-matter of the conveyance to the persons to whom the conveyance is made and those deriving title under them, subject as, if so expressed, and in the manner in which the conveyance is expressed to be made, as by them or any of them shall be reasonably required:

(F.) In any conveyance, the following covenant by every person who conveys and is expressed to convey as trustee or mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, which covenant shall be deemed to extend to every such person's own acts only (namely):

That the person so conveying has not executed or done, or knowingly suffered, or been party or privy to, any deed or thing, whereby or by means whereof the subject-matter of the conveyance, or any part thereof, is or may be impeached, charged, affected, or incumbered in title, estate, or otherwise, or whereby or by any means whereof the person who so conveys is in anywise hindered from conveying the subject-matter of the conveyance, or any part thereof, in the manner in which it is expressed to be conveyed.

(2.) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, then, within this section, the person giving the direction, whether he conveys and is expressed to convey as beneficial owner or not, shall be deemed to convey and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction; and a covenant on his part shall be implied accordingly.

(3.) Where a wife conveys and is expressed to convey as beneficial owner, and the husband also conveys and is expressed to convey as beneficial owner, then, within this section, the wife shall be deemed to convey and to be expressed to convey by direction of the husband, as beneficial owner; and in addition to the covenant implied on the part of the wife, there shall also be implied, first, a covenant on the part of the husband as the person giving that direction, and secondly, a covenant on the part of the husband in the same terms as the covenant implied on the part of the wife.

(4.) Where in a conveyance a person conveying is not expressed to convey as beneficial owner, or as settlor, or as trustee, or as mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, or by direction of a person as beneficial owner, no covenant on the part of the person conveying shall be, by virtue of this section, implied in the conveyance.

(5.) In this section a conveyance includes a deed conferring the right to admittance to copyhold or customary land, but does not include a demise by way of lease at a rent, or any customary assurance, other than a deed, conferring the right to admittance to copyhold or customary land.

(6.) The benefit of a covenant implied as aforesaid shall be annexed and incident to, and shall go with, the estate or interest of the implied covenantee, and shall be capable of being enforced by every person in whom that estate or interest is, for the whole or any part thereof, from time to time vested.

(7.) A covenant implied as aforesaid may be varied or extended by deed, and, as so varied or extended, shall, as far as may be, operate in the like manner, and with all the like incidents, effects, and consequences, as if such variations or extensions were directed in this section to be implied.

(8.) This section applies only to conveyances made after the commencement of this Act.

Execution of Purchase Deed.

8. *Rights of purchaser as to execution.*] (1.) On a sale, the purchaser shall not be entitled to require that the conveyance to him be executed in his presence, or in that of his solicitor, as such; but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor.

(2.) This section applies only to sales made after the commencement of this Act.

Production and Safe Custody of Title Deeds.

9. *Acknowledgment of right to production, and undertaking for safe custody of documents.*] (1.) Where a person retains possession of documents, and gives to another an acknowledgment in writing of the right of that other to production of those documents, and to delivery of copies thereof (in this section called an acknowledgment), that acknowledgment shall have effect as in this section provided.

(2.) An acknowledgment shall bind the documents to which it relates in the possession or under the control of the person who retains them, and in the possession or under the control of every other person having possession or control thereof from time to time, but shall bind each individual possessor or person as long only as he has possession or control thereof; and every person so having possession or control from time to time shall be bound specifically to perform the obligations imposed under this section by an acknowledgment, unless prevented from so doing by fire or other inevitable accident.

(3.) The obligations imposed under this section by an acknowledgment are to be performed from time to time at the request in writing of the person to whom an acknowledgment is given, or of any person, not being a lessee at a rent, having or claiming any estate, interest, or right through or under that person, or otherwise becoming through or under that person interested in or affected by the terms of any document to which the acknowledgment relates.

(4.) The obligations imposed under this section by an acknowledgment are—

(i.) An obligation to produce the documents or any of them at all reasonable times for the purpose of inspection, and of comparison with abstracts or copies thereof, by the person entitled to request production or by any one by him authorised in writing; and

(ii.) An obligation to produce the documents or any of them at any trial, hearing, or examination in any court, or in the execution of any commission, or elsewhere in the United Kingdom, on any occasion on which production may properly be required, for proving or supporting the title or claim of the person entitled to request production, or for any other purpose relative to that title or claim; and

(iii.) An obligation to deliver to the person entitled to request the same true copies or extracts, attested or unattested, of or from the documents or any of them.

(5.) All costs and expenses of or incidental to the specific performance of any obligation imposed under this section by an acknowledgment shall be paid by the person requesting performance.

(6.) An acknowledgment shall not confer any right to damages for loss or destruction of, or injury to, the documents to which it relates, from whatever cause arising.

(7.) Any person claiming to be entitled to the benefit of an acknowledgment may apply to the Court for an order directing the production of the documents to which it relates, or any of them, or the delivery of copies of or extracts from those documents or any of them to him, or some person on his behalf; and the Court may, if it thinks fit, order production, or production and delivery, accordingly, and may

give directions respecting the time, place, terms, and mode of production or delivery, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.

(8.) An acknowledgment shall by virtue of this Act satisfy any liability to give a covenant for production and delivery of copies of or extracts from documents.

(9.) Where a person retains possession of documents and gives to another an undertaking in writing for safe custody thereof, that undertaking shall impose on the person giving it, and on every person having possession or control of the documents from time to time, but on each individual possessor or person as long only as he has possession or control thereof, an obligation to keep the documents safe, whole, uncancelled, and undefaced, unless prevented from so doing by fire or other inevitable accident.

(10.) Any person claiming to be entitled to the benefit of such an undertaking may apply to the Court to assess damages for any loss, destruction of, or injury to the documents or any of them, and the Court may, if it thinks fit, direct an inquiry respecting the amount of damages, and order payment thereof by the person liable, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.

(11.) An undertaking for safe custody of documents shall by virtue of this Act satisfy any liability to give a covenant for safe custody of documents.

(12.) The rights conferred by an acknowledgment or an undertaking under this section shall be in addition to all such other rights relative to the production, or inspection, or the obtaining of copies of documents as are not, by virtue of this Act, satisfied by the giving of the acknowledgment or undertaking, and shall have effect subject to the terms of the acknowledgment or undertaking, and to any provisions therein contained.

(13.) This section applies only if and as far as a contrary intention is not expressed in the acknowledgment or undertaking.

(14.) This section applies only to an acknowledgment or undertaking given, or a liability respecting documents incurred, after the commencement of this Act.

III.—Leases.

10. *Rent and benefit of lessees covenants to run with reversion.*] (1.) Rent reserved by a lease, and the benefit of every covenant or provision therein contained, having reference to the subject-matter thereof, and on the lessees part to be observed or performed, and every condition of re-entry and other condition therein contained, shall be annexed and incident to and shall go with the reversionary estate in the land, or in any part thereof, immediately expectant on the term granted by the lease, notwithstanding severance of that reversionary estate, and shall be capable of being recovered, received, enforced, and taken advantage of by the person from time to time entitled, subject to the term, to the income of the whole or any part, as the case may require, of the land leased.

(2.) This section applies only to leases made after the commencement of this Act.

11. *Obligation of lessors covenants to run with reversion.*] (1.) The obligation of a covenant entered into by a lessor with reference to the subject-matter of the lease shall, if and as far as the lessor has power to bind the reversionary estate immediately expectant on the term granted by the lease, be annexed and incident to and shall go with that reversionary estate, or the several parts thereof, notwithstanding severance of that reversionary estate, and may be taken advantage of and enforced by the person in whom the term is from time to time vested by conveyance, devolution in law, or otherwise; and, if and as far as the lessor has power to bind the person from time to time entitled to that reversionary estate, the obligation aforesaid may be taken advantage of and enforced against any person so entitled.

(2.) This section applies only to leases made after the commencement of this Act.

12. *Apportionment of conditions on severance, &c.*] (1.) Notwithstanding the severance by conveyance, surrender, or otherwise, of the reversionary estate in any land comprised in a lease, and notwithstanding the avoidance or cesser in any other manner of the term granted by a lease as to part only of the land comprised therein, every condition or right of re-entry, and every other condition, contained in the lease, shall be apportioned, and shall remain annexed to the severed parts of the reversionary estate as severed, and shall be in force with respect to the term whereon each severed part is reversionary, or the term in any land which has not been surrendered, or as to which the term has not been avoided or has not otherwise ceased, in like manner as if the land comprised in each severed part, or the land as to which the term remains subsisting, as the case may be, had alone originally been comprised in the lease.

(2.) This section applies only to leases made after the commencement of this Act.

13. *On sub-demise, title to leasehold reversion not to be required.*] (1.) On a contract to grant a lease for a term of years to be derived out of a leasehold interest, with a leasehold reversion, the intended lessee shall not have the right to call for the title to that reversion.

(2.) This section applies only if and as far as a contrary intention is not expressed in the contract, and shall have effect subject to the terms of the contract and to the provisions therein contained.

(3.) This section applies only to contracts made after the commencement of this Act.

Forfeiture.

14. *Restrictions on and relief against forfeiture of leases.*] (1.) A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, shall not be enforceable by action or otherwise, unless and until the lessor serves on the lessee a notice specifying the particular breach complained of and, if the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails within a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money, to the satisfaction of the lessor, for the breach.

(2.) Where a lessor is proceeding, by action or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may, in the lessor's action, if any, or in any action brought by himself, apply to the Court for relief; and the Court may grant or refuse relief, as the Court, having regard to the proceedings and conduct of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit; and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, compensation, penalties or otherwise, including the granting of an injunction to restrain any like breach in the future, as the Court, in the circumstances of each case, thinks fit.

(3.) For the purposes of this section a lease includes an original or derivative under-lease, also a grant at a fee farm rent, or securing a rent by condition; and a lessee includes an original or derivative under-lessee, and the heirs, executors, administrators, and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns; and a lessor includes an original or derivative under-lessor, and the heirs, executors, administrators, and assigns of a lessor, also a grantor as aforesaid, and his heirs and assigns.

(4.) This section applies although the proviso or stipulation under which the right of re-entry or forfeiture accrues is inserted in the lease in pursuance of the directions of any Act of Parliament.

(5.) For the purposes of this section a lease limited to continue as long only as the lessee abstains from committing a breach of covenant shall be and take effect as a lease to continue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach.

(6.) This section does not extend—

(i.) To a covenant or condition against the assigning, under-letting, parting with the possession, or disposing of the land leased; or to a condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest; or

(ii.) In case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing machines or other things, or to enter or inspect the mine or the workings thereof.

(7.) The enactments described in Part I. of the Second Schedule to this Act are hereby repealed.

(8.) This section shall not affect the law relating to re-entry or forfeiture or relief in case of non-payment of rent.

(9.) This section applies to leases made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

IV.—Mortgages.

15.—*Obligation on mortgagee to transfer instead of re-conveying.*] (1.) Where a mortgagor is entitled to redeem, he shall, by virtue of this Act, have power to require the mortgagee, instead of re-conveying, and on the terms on which he would be bound to re-convey, to assign the mortgage debt and convey the mortgaged property to any third person, as the mortgagor directs; and the mortgagee shall, by virtue of this Act, be bound to assign and convey accordingly.

(2.) This section does not apply in the case of a mortgagee being or having been in possession.

(3.) This section applies to mortgages made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

16. *Power for mortgagor to inspect title deeds.*] (1.) A mortgagor, as long as his right to redeem subsists, shall, by virtue of this Act, be entitled from time to time, at reasonable times, on his request, and at his own cost, and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of or extracts from the documents of title relating to mortgaged property in the custody or power of the mortgagee.

(2.) This section applies only to mortgages made after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

17. *Restriction on consolidation of mortgages.*] (1.) A mortgagor seeking to redeem any one mortgage, shall, by virtue of this Act, be entitled to do so, without paying any money due under any separate mortgage made by him, or by any person through whom he claims, on property other than that comprised in the mortgage which he seeks to redeem.

(2.) This section applies only if and as far as a contrary intention is not expressed in the mortgage deeds or one of them.

(3.) This section applies only where the mortgages or one of them are or is made after the commencement of this Act.

Leases.

18. *Leasing powers of mortgagor and of mortgagee in possession.*] (1.) A mortgagor of land while in possession shall, as against every incumbrancer, have, by virtue of this Act, power to make from time to time any such lease of the mortgaged land, or any part thereof, as is in this section described and authorised.

(2.) A mortgagee of land while in possession shall, as against all prior incumbrancers, if any, and as against the mortgagor, have, by virtue of this Act, power to make from time to time any such lease as aforesaid.

(3.) The leases which this section authorises are—

(i.) An agricultural or occupation lease for any term not exceeding twenty-one years; and

(ii.) A building lease for any term not exceeding ninety-nine years.

(4.) Every person making a lease under this section may execute and do all assurances and things necessary or proper in that behalf.

(5.) Every such lease shall be made to take effect in possession not later than twelve months after its date.

(6.) Every such lease shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case, but without any fine being taken.

(7.) Every such lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(8.) A counterpart of every such lease shall be executed by the lessee and delivered to the lessor, of which execution and delivery the execution of the lease by the lessor shall, in favour of the lessee and all persons deriving title under him, be sufficient evidence.

(9.) Every such building lease shall be made in consideration of the lessee, or some person by whose direction the lease is granted, having erected, or agreeing to erect within not more than five years from the date of the lease, buildings, new or additional, or having improved or repaired buildings, or agreeing to improve or repair buildings within that time, or having executed, or agreeing to execute within that time, on the land leased, an improvement for or in connexion with building purposes.

(10.) In any such building lease a peppercorn rent, or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years, or any less part of the term.

(11.) In case of a lease by the mortgagor, he shall, within one month after making the lease, deliver to the mortgagee, or, where there are more than one, to the mortgagee first in priority, a counterpart of the lease duly executed by the lessee; but the lessee shall not be concerned to see that this provision is complied with.

(12.) A contract to make or accept a lease under this section may be enforced by or against every person on whom the lease if granted would be binding.

(13.) This section applies only if and as far as a contrary intention is not expressed by the mortgagor and mortgagee in the mortgage deed, or otherwise in writing, and shall have effect subject to the terms of the mortgage deed or of any such writing and to the provisions therein contained.

(14) Nothing in this Act shall prevent the mortgage deed from reserving to or conferring on the mortgagor or mortgagee, or both, any further or other powers of leasing or having reference to leasing; and any further or other powers so reserved or conferred shall be exercisable, as far as may be, as if they were conferred by this Act, and with all the like incidents, effects, and consequences, unless a contrary intention is expressed in the mortgage deed.

(15.) Nothing in this Act shall be construed to enable a mortgagor or mortgagee to make a lease for any longer term or on any other conditions than such as could have been granted or imposed by the mortgagor, with the concurrence of all the incumbrancers, if this Act had not been passed.

(16.) This section applies only in case of a mortgage made after the commencement of this Act; but the provisions thereof, or any of them, may, by agreement in writing made after the commencement of this Act, between mortgagor and mortgagee, be applied to a mortgage made before the commencement of this Act, so nevertheless, that any such agreement shall not prejudicially affect any right or interest of any mortgagee not joining in or adopting the agreement.

(17.) The provisions of this section referring to a lease shall be construed to extend and apply, as far as circumstances admit, to any letting, and to an agreement, whether in writing or not, for leasing or letting.

Sale; Insurance; Receiver; Timber.

19. *Powers incident to estate or interest of mortgagee.*] (1.) A mortgagee, where the mortgage is made by deed, shall, by virtue of this Act, have the following powers, to the like extent as if they had been in terms conferred by the mortgage deed, but not further (namely):

(i.) A power, when the mortgage money has become due, to sell, or to concur with any other person in selling, the mortgaged property, or any part thereof, either subject to prior charges, or not, and either together or in lots, by public auction or by private contract, subject to such conditions respecting title, or evidence of title, or other matter, as he (the mortgagee) thinks fit, with power to vary any contract for sale, and to buy in at an auction, or to rescind any contract for sale, and to re-sell, without being answerable for any loss occasioned thereby; and

(ii.) A power, at any time after the date of the mortgage deed, to insure and keep insured against loss or damage by fire any building, or any effects or property of an insurable nature, whether affixed to the freehold or not, being or forming part of the mortgaged property, and the premiums paid for any such insurance shall be a charge on the mortgaged property, in addition to the mortgage money, and with the same priority, and with interest at the same rate, as the mortgage money; and

(iii.) A power, when the mortgage money has become due, to appoint a receiver of the income of the mortgaged property, or of any part thereof; and

(iv.) A power, while the mortgagee is in possession, to cut

and sell timber and other trees ripe for cutting, and not planted or left standing for shelter or ornament, or to contract for any such cutting and sale, to be completed within any time not exceeding twelve months from the making of the contract.

(2.) The provisions of this Act relating to the foregoing powers, comprised either in this section, or in any subsequent section regulating the exercise of those powers, may be varied or extended by the mortgage deed, and, as so varied or extended, shall, as far as may be, operate in the like manner and with all the like incidents, effects, and consequences, as if such variations or extensions were contained in this Act.

(3.) This section applies only if and as far as a contrary intention is not expressed in the mortgage deed, and shall have effect subject to the terms of the mortgage deed and to the provisions therein contained.

(4.) This section applies only where the mortgage deed is executed after the commencement of this Act.

20. *Regulation of exercise of power of sale.*] A mortgagee shall not exercise the power of sale conferred by this Act unless and until—

(i.) Notice requiring payment of the mortgage money has been served on the mortgagor, or one of several mortgagors, and default has been made in payment of the mortgage money, or of part thereof, for three months after such service; or

(ii.) Some interest under the mortgage is in arrear and unpaid for two months after becoming due; or

(iii.) There has been a breach of some provision contained in the mortgage deed or in this Act, and on the part of the mortgagor, or of some person concurring in making the mortgage, to be observed or performed, other than and besides a covenant for payment of the mortgage money or interest thereon.

21. *Conveyance, receipt, &c., on sale.*] (1.) A mortgagee exercising the power of sale conferred by this Act shall have power, by deed, to convey the property sold, for such estate and interest therein as is the subject of the mortgage, freed from all estates, interests, and rights to which the mortgage has priority, but subject to all estates, interests, and rights which have priority to the mortgage; except that, in the case of copyhold or customary land, the legal right to admittance shall not pass by a deed under this section, unless the deed is sufficient otherwise by law, or is sufficient by custom, in that behalf.

(2.) Where a conveyance is made in professed exercise of the power of sale conferred by this Act, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorised, or improper, or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

(3.) The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances to which the sale is not made subject, if any, or after payment into Court under this Act of a sum to meet any prior incumbrance, shall be held by him in trust to be applied by him, first, in payment of all costs, charges, and expenses, properly incurred by him, as incident to the sale or any attempted sale, or otherwise; and secondly, in discharge of the mortgage money, interest, and costs, and other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property, or authorised to give receipts for the proceeds of the sale thereof.

(4.) The power of sale conferred by this Act may be exercised by any person for the time being entitled to receive and give a discharge for the mortgage money.

(5.) The power of sale conferred by this Act shall not affect the right of foreclosure.

(6.) The mortgagee, his executors, administrators, or assigns, shall not be answerable for any involuntary loss happening in or about the exercise or execution of the power of sale conferred by this Act or of any trust connected therewith.

(7.) At any time after the power of sale conferred by this Act has become exercisable, the person entitled to exercise the same may demand and recover from any person, other than a person having in the mortgaged property an estate, interest, or right in priority to the mortgage, all the deeds and documents relating to the property, or to the title thereto, which a purchaser under the power of sale would be entitled to demand and recover from him.

22. *Mortgagee's receipts, discharges, &c.*] (1.) The receipt in writing of a mortgagee shall be a sufficient discharge for any money arising under the power of sale conferred by this Act, or for any money or securities comprised in his mortgage, or arising thereunder; and a person paying or transferring the same to the mortgagee shall not be concerned to inquire whether any money remains due under the mortgage.

(2.) Money received by a mortgagee under his mortgage or from the proceeds of securities comprised in his mortgage shall be applied in like manner as in this Act directed respecting money received by him arising from a sale under the power of sale conferred by this Act; but with this variation, that the costs, charges, and expenses payable shall include the costs, charges, and expenses properly incurred of recovering and receiving the money or securities, and of conversion of securities into money, instead of those incident to sale.

23. *Amount and application of insurance money.*] (1.) The amount of an insurance effected by a mortgagee against loss or damage by fire under the power in that behalf conferred by this Act shall not exceed the amount specified in the mortgage deed, or, if no amount is therein specified, then shall not exceed two third parts of the amount that would be required, in case of total destruction, to restore the property insured.

(2.) An insurance shall not, under the power conferred by this Act, be effected by a mortgagee in any of the following cases (namely):

(i.) Where there is a declaration in the mortgage deed that no insurance is required:

(ii.) Where an insurance is kept up by or on behalf of the mortgagor in accordance with the mortgage deed:

(iii.) Where the mortgage deed contains no stipulation respecting insurance, and an insurance is kept up by or on behalf of the mortgagor to the amount in which the mortgagee is by this Act authorised to insure.

(3.) All money received on an insurance effected under the mortgage deed or under this Act shall, if the mortgagee so requires, be applied by the mortgagor in making good the loss or damage in respect of which the money is received.

(4.) Without prejudice to any obligation to the contrary imposed by law, or by special contract, a mortgagee may require that all money received on an insurance be applied in or towards discharge of the money due under his mortgage.

24. *Appointment, powers, remuneration, and duties of receiver.*] (1.) A mortgagee entitled to appoint a receiver under the power in that behalf conferred by this Act shall not appoint a receiver until he has become entitled to exercise the power of sale conferred by this Act, but may then, by writing under his hand, appoint such person as he thinks fit to be receiver.

(2.) The receiver shall be deemed to be the agent of the mortgagor; and the mortgagor shall be solely responsible for the receiver's acts or defaults, unless the mortgage deed otherwise provides.

(3.) The receiver shall have power to demand and recover all the income of the property of which he is appointed receiver, by action, distress, or otherwise, in the name either of the mortgagor or of the mortgagee, to the full extent of the estate or interest which the mortgagor could dispose of, and to give effectual receipts, accordingly, for the same.

(4.) A person paying money to the receiver shall not be concerned to inquire whether any case has happened to authorise the receiver to act.

(5.) The receiver may be removed, and a new receiver may be appointed, from time to time by the mortgagee by writing under his hand.

(6.) The receiver shall be entitled to retain out of any money received by him, for his remuneration, and in satisfaction of all costs, charges, and expenses incurred by him as receiver, a commission at such rate, not exceeding five per centum on the gross amount of all money received, as is specified in his appointment, and if no rate is so specified, then

at the rate of five per centum on that gross amount, or at such higher rate as the court thinks fit to allow, on application made by him for that purpose.

(7.) The receiver shall, if so directed in writing by the mortgagee, insure and keep insured against loss or damage by fire, out of the money received by him, any building, effects, or property comprised in the mortgage, whether affixed to the freehold or not, being of an insurable nature.

(8.) The receiver shall apply all money received by him as follows (namely):

(i.) In discharge of all rents, taxes, rates, and outgoings whatever affecting the mortgaged property; and

(ii.) In keeping down all annual sums or other payments, and the interest on all principal sums, having priority to the mortgage in right whereof he is receiver; and

(iii.) In payment of his commission, and of the premiums on fire, life, or other insurances, if any, properly payable under the mortgage deed or under this Act, and the cost of executing necessary or proper repairs directed in writing by the mortgagee; and

(iv.) In payment of the interest accruing due in respect of any principal money due under the mortgage;

and shall pay the residue of the money received by him to the person who, but for the possession of the receiver, would have been entitled to receive the income of the mortgaged property, or who is otherwise entitled to that property.

Action respecting Mortgage.

25. *Sale of mortgaged property in action for foreclosure, &c.*—15 & 16 *Vict. c.* 86, *s.* 48.] (1.) Any person entitled to redeem mortgaged property may have a judgment or order for sale instead of for redemption in an action brought by him either for redemption alone, or for sale alone, or for sale or redemption, in the alternative.

(2.) In any action, whether for foreclosure, or for redemption, or for sale, or for the raising and payment in any manner of mortgage money, the Court, on the request of the mortgagee, or of any person interested either in the mortgage money or in the right of redemption, and, notwithstanding the dissent of any other person, and notwithstanding that the mortgagee or any person so interested does not appear in the action, and without allowing any time for redemption or for payment of any mortgage money, may, if it thinks fit, direct a sale of the mortgaged property, on such terms as it thinks fit, including, if it thinks fit, the deposit in Court of a reasonable sum fixed by the Court, to meet the expenses of sale and to secure performance of the terms.

(3.) But, in an action brought by a person interested in the right of redemption and seeking a sale, the Court may, on the application of any defendant, direct the plaintiff to give such security for costs as the Court thinks fit, and may give the conduct of the sale to any defendant, and may give such directions as it thinks fit respecting the costs of the defendants or any of them.

(4.) In any case within this section the Court may, if it thinks fit, direct a sale without previously determining the priorities of incumbrancers.

(5.) This section applies to actions brought either before or after the commencement of this Act.

(6.) The enactment described in Part II. of the Second Schedule to this Act is hereby repealed.

(7.) This section does not extend to Ireland.

V.—Statutory Mortgage.

26. *Form of statutory mortgage in schedule.*] (1.) A mortgage of freehold or leasehold land may be made by a deed expressed to be made by way of statutory mortgage, being in the form given in Part I. of the Third Schedule to this Act, with such variations and additions, if any, as circumstances may require, and the provisions of this section shall apply thereto.

(2.) There shall be deemed to be included, and there shall by virtue of this Act be implied, in the mortgage deed—

First, a covenant with the mortgagee by the person expressed therein to convey as mortgagor to the effect following (namely):

That the mortgagor will, on the stated day, pay to the mortgagee the stated mortgage money, with interest thereon in the meantime, at the stated rate, and will thereafter, if and as long as the mortgage money or any part thereof remains unpaid, pay to the mortgagee interest thereon, or on the unpaid part thereof, at the stated rate, by equal half-yearly payments, the first thereof to be made at the end of six calendar months from the day stated for payment of the mortgage money:

Secondly, a proviso to the effect following (namely):

That if the mortgagor, on the stated day, pays to the mortgagee the stated mortgage money, with interest thereon in the meantime, at the stated rate, the mortgagee at any time thereafter, at the request and cost of the mortgagor, shall re-convey the mortgaged property to the mortgagor, or as he shall direct.

27. *Forms of statutory transfer of mortgage in schedule.*] (1.) A transfer of a statutory mortgage may be made by a deed expressed to be made by way of statutory transfer of mortgage, being in such one of the three forms (A.) and (B.) and (C.) given in Part II. of the Third Schedule to this Act as may be appropriate to the case, with such variations and additions, if any, as circumstances may require, and the provisions of this section shall apply thereto.

(2.) In whichever of those three forms the deed of transfer is made, it shall have effect as follows (namely):

(i.) There shall become vested in the person to whom the benefit of the mortgage is expressed to be transferred, who, with his executors, administrators, and assigns, is hereafter in this section designated the transferee, the right to demand, sue for, recover, and give receipts for the mortgage money, or the unpaid part thereof, and the interest then due, if any, and thenceforth to become due thereon, and the benefit of all securities for the same, and the benefit of and the right to sue on all covenants with the mortgagee, and the right to exercise all powers of the mortgagee:

(ii.) All the estate and interest, subject to redemption, of the mortgagee in the mortgaged land shall vest in the transferee, subject to redemption.

(3.) If the deed of transfer is made in the form (B.), there shall also be deemed to be included, and there shall by virtue of this Act be implied therein, a covenant with the transferee by the person expressed to join therein as covenantor to the effect following (namely):

That the covenantor will, on the next of the days by the mortgage deed fixed for payment of interest, pay to the transferee the stated mortgage money, or so much thereof as then remains unpaid, with interest thereon, or on the unpaid part thereof, in the meantime, at the rate stated in the mortgage deed; and will thereafter, as long as the mortgage money, or any part thereof, remains unpaid, pay to the transferee interest on that sum, or the unpaid part thereof, at the same rate, on the successive days by the mortgage deed fixed for payment of interest.

(4.) If the deed of transfer is made in the form (C.), it shall, by virtue of this Act, operate not only as a statutory transfer of mortgage, but also as a statutory mortgage, and the provisions of this section shall have effect in relation thereto, accordingly; but it shall not be liable to any increased stamp duty by reason only of it being designated a mortgage.

28. *Implied covenants, joint and several.*] In a deed of statutory mortgage, or of statutory transfer of mortgage, where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenant on their part shall be deemed to be a joint and several covenant by them; and where there are more mortgagees or more transferees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums, in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect of the share or distinct sum secured to him.

29. *Form of re-conveyance of statutory mortgage in schedule.*] A re-conveyance of a statutory mortgage may be made by a deed expressed to be made by way of statutory re-conveyance of mortgage, being in the form given in Part III. of the Third Schedule to this Act, with such variations and additions, if any, as circumstances may require.

VI.—Trust and Mortgage Estates on Death.

30. *Devolution of trust on mortgage estates on death*—37 & 38 *Vict. c.* 78—38 & 39 *Vict. c.* 87.] (1.) Where an estate or interest of inheritance, or limited to the heir as special occupant, in any tenements or hereditaments, corporeal or

incorporeal, is vested on any trust, or by way of mortgage, in any person solely, the same shall, on his death, notwithstanding any testamentary disposition, devolve to and become vested in his personal representatives or representative from time to time, in like manner as if the same were a chattel real vesting in them or him; and accordingly all the like powers, for one only of several joint personal representatives, as well as for a single personal representative, and for all the personal representatives together, to dispose of and otherwise deal with the same, shall belong to the deceased's personal representatives or representative from time to time, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were a chattel real vesting in them or him; and, for the purposes of this section, the personal representatives, for the time being, of the deceased, shall be deemed in law his heirs and assigns, within the meaning of all trusts and powers.

(2.) Section four of the Vendor and Purchaser Act, 1874, and section forty-eight of the Land Transfer Act, 1875, are hereby repealed.

(3.) This section, including the repeals therein, applies only in cases of death after the commencement of this Act.

VII.—Trustees and Executors.

31. *Appointment of new trustees, vesting of trust property, &c.*] (1.) Where a trustee, either original or substituted, and whether appointed by a Court or otherwise, is dead, or remains out of the United Kingdom for more than twelve months, or desires to be discharged from the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for this purpose by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of the United Kingdom, desiring to be discharged, refusing or being unfit, or being incapable, as aforesaid.

(2.) On an appointment of a new trustee, the number of trustees may be increased.

(3.) On an appointment of a new trustee, it shall not be obligatory to appoint more than one new trustee, where only one trustee was originally appointed, or to fill up the original number of trustees, where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust.

(4.) On an appointment of a new trustee any assurance or thing requisite for vesting the trust property, or any part thereof, jointly in the persons who are the trustees, shall be executed or done.

(5.) Every new trustee so appointed, as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions, and may in all respects act, as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(6.) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator; and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(7.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(8.) This section applies to trusts created either before or after the commencement of this Act.

32. *Retirement of trustee.*] (1.) Where there are more than two trustees, if one of them by deed declares that he is desirous of being discharged from the trust, and if his co-trustees and such other person, if any, as is empowered to appoint trustees, by deed consent to the discharge of the trustee, and to the vesting in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by deed, be discharged therefrom under this Act, without any new trustee being appointed in his place.

(2.) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed or done.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to any provisions therein contained.

(4.) This section applies to trusts created either before or after the commencement of this Act.

33. *Powers of new trustee appointed by court.*] (1.) Every trustee appointed by the Court of Chancery, or by the Chancery Division of the Court, or by any other court of competent jurisdiction, shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(2.) This section applies to appointments made either before or after the commencement of this Act.

34. *Vesting of trust property in new or continuing trustees.*] (1.) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of the deed become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest, or right.

(2.) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3.) This section does not extend to any legal estate or interest in copyhold or customary land, or to land conveyed by way of mortgage for securing money subject to the trust, or to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under Act of Parliament.

(4.) For purposes of registration of the deed in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5.) This section applies only to deeds executed after the commencement of this Act.

35. *Power for trustees for sale to sell by auction, &c.*] (1.) Where a trust for sale or a power of sale of property is vested in trustees, they may sell or concur with any other person in selling all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract, subject to any such conditions respecting title or evidence of title, or other matter, as the trustees think fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale, and to re-sell, without being answerable for any loss.

(2.) This section applies only if and as far as a contrary intention is not expressed in the instrument creating the trust or power, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(3.) This section applies only to a trust or power created by an instrument coming into operation after the commencement of this Act.

36. *Trustees receipts.*] (1.) The receipt in writing of any trustees or trustee for any money, securities, or other personal property or effects payable, transferable, or deliverable to them or him under any trust or power shall be a sufficient discharge for the same, and shall effectually exonerate the person paying, transferring, or delivering the same from

seeing to the application or being answerable for any loss or misapplication thereof.

(2.) This section applies to trusts created either before or after the commencement of this Act.

37. *Power for executors and trustees to compound, &c.*] (1.) An executor may pay or allow any debt or claim on any evidence that he thinks sufficient.

(2.) An executor, or two or more trustees acting together, or a sole acting trustee where, by the instrument, if any, creating the trust, a sole trustee is authorised to execute the trusts and powers thereof, may, if and as he or they think fit, accept any composition, or any security, real or personal, for any debt, or for any property, real or personal, claimed, and may allow any time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the testator's estate or to the trust, and for any of those purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them seem expedient, without being responsible for any loss occasioned by any act, or thing so done by him or them in good faith.

(3.) As regards trustees, this section applies only if and as far as a contrary intention is not expressed in the instrument, if any, creating the trust, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4.) This section applies to executorships and trusts constituted or created either before or after the commencement of this Act.

38. *Powers to two or more executors or trustees.*] (1.) Where a power or trust is given to or vested in two or more executors or trustees jointly, then, unless the contrary is expressed in the instrument, if any, creating the power or trust, the same may be exercised or performed by the survivor or survivors of them for the time being.

(2.) This section applies only to executorships and trusts constituted after or created by instruments coming into operation after the commencement of this Act.

VIII.—Married Women.

39. *Power for court to bind interest of married woman.*] (1.) Notwithstanding that a married woman is restrained from anticipation, the Court may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property.

(2.) This section applies only to judgments or orders made after the commencement of this Act.

40. *Power of attorney of married woman.*] (1.) A married woman, whether an infant or not, shall by virtue of this Act have power, as if she were unmarried and of full age, by deed, to appoint an attorney on her behalf for the purpose of executing any deed or doing any other act which she might herself execute or do; and the provisions of this Act relating to instruments creating powers of attorney shall apply thereto.

(2.) This section applies only to deeds executed after the commencement of this Act.

IX.—Infants.

41. *Sales and leases on behalf of infant owner—40 & 41 Vict. c. 18.*] Where a person in his own right seised of or entitled to land for an estate in fee simple, or for any leasehold interest at a rent, is an infant, the land shall be deemed to be a settled estate within the Settled Estates Act, 1877.

42. *Management of land and receipt and application of income during minority.*] (1.) If and as long as any person who would but for this section be beneficially entitled to the possession of any land is an infant, and being a woman is also unmarried, the trustees appointed for this purpose by the settlement, if any, or if there are none so appointed, then the persons, if any, who are for the time being under the settlement trustees with power of sale of the settled land, or of part thereof, or with power of consent to or approval of the exercise of such a power of sale, or if there are none, then any persons appointed as trustees for this purpose by the Court, on the application of a guardian or next friend of the infant, may enter into and continue in possession of the land; and in every such case the subsequent provisions of this section shall apply.

(2.) The trustees shall manage or superintend the management of the land, with full power to fell timber or cut underwood from time to time in the usual course for sale, or for repairs or otherwise, and to erect, pull down, rebuild, and repair houses, and other buildings and erections, and to continue the working of mines, minerals, and quarries which have usually been worked, and to drain or otherwise improve the land, or any part thereof, and to insure against loss by fire, and to make allowances to and arrangements with tenants and others, and to determine tenancies, and to accept surrenders of leases and tenancies, and generally to deal with the land in a proper and due course of management; but so that, where the infant is impeachable for waste, the trustees shall not commit waste, and shall cut timber on the same terms only, and subject to the same restrictions, on and subject to which the infant could, if of full age, cut the same.

(3.) The trustees may from time to time, out of the income of the land, including the produce of the sale of timber and underwood, pay the expenses incurred in the management, or in the exercise of any power conferred by this section, or otherwise in relation to the land, and all outgoings not payable by any tenant or other person, and shall keep down any annual sum, and the interest of any principal sum, charged on the land.

(4.) The trustees may apply at discretion any income which, in the exercise of such discretion, they deem proper, according to the infant's age, for his or her maintenance, education, or benefit, or pay thereout any money to the infant's parent or guardian, to be applied for the same purposes.

(5.) The trustees shall lay out the residue of the income of the land in investment on securities on which they are by the settlement, if any, or by law, authorised to invest trust money, with power to vary investments; and shall accumulate the income of the investments so made in the way of compound interest, by from time to time similarly investing such income and the resulting income of investments; and shall stand possessed of the accumulated fund arising from income of the land and from investments of income on the trusts following (namely):

(i.) If the infant attains the age of twenty-one years, then in trust for the infant;

(ii.) If the infant is a woman and marries while an infant, then in trust for her separate use, independently of her husband, and so that her receipt after she marries, and though still an infant, shall be a good discharge; but

(iii.) If the infant dies while an infant, and being a woman without having been married, then, where the infant was, under a settlement, tenant for life, or by purchase tenant in tail or tail male or tail female, on the trusts, if any, declared of the accumulated fund by that settlement; but where no such trusts are declared, or the infant has taken the land from which the accumulated fund is derived by descent, and not by purchase, or the infant is tenant for an estate in fee simple, absolute or determinable, then in trust for the infant's personal representatives, as part of the infant's personal estate;

but the accumulations, or any part thereof, may at any time be applied as if the same were income arising in the then current year.

(6.) Where the infant's estate or interest is in an undivided share of land, the powers of this section relative to the land may be exercised jointly with persons entitled to possession of, or having power to act in relation to, the other undivided share or shares.

(7.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument, and to the provisions therein contained.

(8.) This section applies only where that instrument comes into operation after the commencement of this Act.

43. *Application by trustees of income of property of infant for maintenance, &c.*] (1.) Where any property is held by trustees in trust for an infant, either for life, or for any greater interest, and whether absolutely, or contingently on his attaining the age of twenty-one years, or on the occurrence of any event before his attaining that age, the trustees may, at their sole discretion, pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit,

the income of that property, or any part thereof, whether there is any other fund applicable to the same purpose, or any person bound by law to provide for the infant's maintenance or education, or not.

(2.) The trustees shall accumulate all the residue of that income in the way of compound interest, by investing the same and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law, authorised to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise; but so that the trustees may at any time, if they think fit, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(4.) This section applies whether that instrument comes into operation before or after the commencement of this Act.

X.—Rentcharges and other Annual Sums.

44. *Remedies for recovery of annual sums charged on land.*] (1.) Where a person is entitled to receive out of any land, or out of the income of any land, any annual sum, payable half-yearly or otherwise, whether charged on the land or on the income of the land, and whether by way of rentcharge or otherwise, not being rent incident to a reversion, then, subject and without prejudice to all estates, interests, and rights having priority to the annual sum, the person entitled to receive the same shall have such remedies for recovering and compelling payment of the same as are described in this section, as far as those remedies might have been conferred by the instrument under which the annual sum arises, but not further.

(2.) If at any time the annual sum or any part thereof is unpaid for twenty-one days next after the time appointed for any payment in respect thereof, the person entitled to receive the annual sum may enter into and distrain on the land charged or any part thereof, and dispose according to law of any distress found, to the intent that thereby or otherwise the annual sum and all arrears thereof, and all costs and expenses occasioned by non-payment thereof, may be fully paid.

(3.) If at any time the annual sum or any part thereof is unpaid for forty days next after the time appointed for any payment in respect thereof, then, although no legal demand has been made for payment thereof, the person entitled to receive the annual sum may enter into possession of and hold the land charged or any part thereof, and take the income thereof, until thereby or otherwise the annual sum and all arrears thereof due at the time of his entry, or afterwards becoming due during his continuance in possession, and all costs and expenses occasioned by non-payment of the annual sum, are fully paid; and such possession when taken shall be without impeachment of waste.

(4.) In the like case the person entitled to the annual charge, whether taking possession or not, may also by deed demise the land charged, or any part thereof, to a trustee for a term of years, with or without impeachment of waste, on trust, by mortgage, or sale, or demise, for all or any part of the term, of the land charged, or of any part thereof, or by receipt of the income thereof, or by all or any of those means, or by any other reasonable means, to raise and pay the annual sum and all arrears thereof due or to become due, and all costs and expenses occasioned by nonpayment of the annual sum, or incurred in compelling or obtaining payment thereof, or otherwise relating thereto, including the costs of the preparation and execution of the deed of demise, and the costs of the execution of the trusts of that deed; and the surplus, if any, of the money raised, or of the income received, under the trusts of that deed shall be paid to the person for the time being entitled to the land therein comprised in reversion immediately expectant on the term thereby created.

(5.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the annual sum arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

(6.) This section applies only where that instrument comes into operation after the commencement of this Act.

45. *Redemption of quitrents and other perpetual charges.*] (1.) Where there is a quitrent, chief-rent, rentcharge, or other annual sum issuing out of land (in this section referred to as the rent), the Copyhold Commissioners shall at any time, on the requisition of the owner of the land, or of any person interested therein, certify the amount of money in consideration whereof the rent may be redeemed.

(2.) Where the person entitled to the rent is absolutely entitled thereto in fee simple in possession, or is empowered to dispose thereof absolutely, or to give an absolute discharge for the capital value thereof, the owner of the land, or any person interested therein, may, after serving one month's notice on the person entitled to the rent, pay or tender to that person the amount certified by the Commissioners.

(3.) On proof to the Commissioners that payment or tender has been so made, they shall certify that the rent is redeemed under this Act; and that certificate shall be final and conclusive, and the land shall be thereby absolutely freed and discharged from the rent.

(4.) Every requisition under this section shall be in writing; and every certificate under this section shall be in writing sealed with the seal of the Commissioners.

(5.) This section does not apply to tithe rentcharge, or to a rent reserved on a sale or lease, or to a rent made payable under a grant or licence for building purposes, or to any sum or payment issuing out of land not being perpetual.

(6.) This section applies to rents payable at, or created after, the commencement of this Act.

(7.) This section does not extend to Ireland.

XI.—Powers of Attorney.

46. *Execution under power of attorney.*] (1.) The donee of a power of attorney may, if he thinks fit, execute or do any assurance, instrument, or thing in and with his own name and signature and his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument, and thing so executed and done shall be as effectual in law, to all intents, as if it had been executed or done by the donee of the power in the name and with the signature and seal of the donor thereof.

(2.) This section applies to powers of attorney created by instruments executed either before or after the commencement of this Act.

47. *Payment by attorney under power without notice of death, &c., good.*] (1.) Any person making or doing any payment or act, in good faith, in pursuance of a power of attorney, shall not be liable in respect of the payment or act by reason that before the payment or act the donor of the power had died or become lunatic, of unsound mind, or bankrupt, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same.

(2.) But this section shall not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

(3.) This section applies only to payments and acts made and done after the commencement of this Act.

48. *Deposit of original instruments creating powers of attorney.*] (1.) An instrument creating a power of attorney, its execution being verified by affidavit, statutory declaration, or other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the Central Office of the Supreme Court of Judicature.

(2.) A separate file of instruments so deposited shall be kept, and any person may search that file, and inspect every instrument so deposited, and an office copy thereof shall be delivered out to him on request.

(3.) A copy of an instrument so deposited may be presented at the office, and may be stamped or marked as an office copy, and when so stamped or marked shall become and be an office copy.

(4.) An office copy of an instrument so deposited shall without further proof be sufficient evidence of the contents of the instrument and of the deposit thereof in the Central Office.

(5.) General Rules may be made for purposes of this section, regulating the practice of the Central Office, and prescribing, with the concurrence of the Commissioners of Her Majesty's Treasury, the fees to be taken therein.

(6.) This section applies to instruments creating powers of attorney executed either before or after the commencement of this Act.

XII.—Construction and Effect of Deeds and other Instruments.

49. *Use of word grant unnecessary.*] (1.) It is hereby declared that the use of the word grant is not necessary in order to convey tenements or hereditaments, corporeal or incorporeal.

(2.) This section applies to conveyances made before or after the commencement of this Act.

50. *Conveyance by a person to himself, &c.*] (1.) Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person; and may, in like manner, be conveyed by a husband to his wife and by a wife to her husband, alone or jointly with another person.

(2.) This section applies only to conveyances made after the commencement of this Act.

51. *Words of limitation in fee or in tail.*] (1.) In a deed it shall be sufficient, in the limitation of an estate in fee simple, to use the words in fee simple, without the word heirs; and in the limitation of an estate in tail, to use the words in tail without the words heirs of the body; and in the limitation of an estate in tail male or in tail female, to use the words in tail male or in tail female, as the case requires, without the words heirs male of the body, or heirs female of the body.

(2.) This section applies only to deeds executed after the commencement of this Act.

52. *Powers simply collateral.*] (1.) A person to whom any power, whether coupled with an interest or not, is given may by deed release, or contract not to exercise, the power.

(2.) This section applies to powers created by instruments coming into operation either before or after the commencement of this Act.

53. *Construction of supplemental or annexed deed.*] (1.) A deed expressed to be supplemental to a previous deed, or directed to be read as an annex thereto, shall, as far as may be, be read and have effect as if the deed so expressed or directed were made by way of indorsement on the previous deed, or contained a full recital thereof.

(2.) This section applies to deeds executed either before or after the commencement of this Act.

54. *Receipt in deed sufficient.*] (1.) A receipt for consideration money or securities in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same without any further receipt for the same being indorsed on the deed.

(2.) This section applies only to deeds executed after the commencement of this Act.

55. *Receipt in deed or indorsed, evidence for subsequent purchaser.*] (1.) A receipt for consideration money or other consideration in the body of a deed or indorsed thereon shall, in favour of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.

(2.) This section applies only to deeds executed after the commencement of this Act.

56. *Receipt in deed or indorsed, authority for payment to solicitor.*] (1.) Where a solicitor produces a deed, having in the body thereof or indorsed thereon a receipt for consideration money or other consideration, the deed being executed, or the indorsed receipt being signed, by the person entitled to give a receipt for that consideration, the deed shall be sufficient authority to the person liable to pay or give the same for his paying or giving the same to the solicitor, without the solicitor producing any separate or other direction or authority in that behalf from the person who executed or signed the deed or receipt.

(2.) This section applies only in cases where consideration is to be paid or given after the commencement of this Act.

57. *Sufficiency of forms in Fourth Schedule.*] Deeds in the form of and using the expressions in the Forms given in the Fourth Schedule to this Act, or in the like form or using expressions to the like effect, shall, as regards form and expression in relation to the provisions of this Act, be sufficient.

58. *Covenants to bind heirs, &c.*] (1.) A covenant relating to land of inheritance, or devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his heirs and assigns, and shall have effect as if heirs and assigns were expressed.

(2.) A covenant relating to land not of inheritance, or not devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his executors, administrators, and assigns, and shall have effect as if executors, administrators, and assigns were expressed.

(3.) This section applies only to covenants made after the commencement of this Act.

59. *Covenants to extend to heirs, &c.*] (1.) A covenant, and a contract under seal, and a bond or obligation under seal, though not expressed to bind the heirs, shall operate in law to bind the heirs and real estate, as well as the executors and administrators and personal estate, of the person making the same, as if heirs were expressed.

(2.) This section extends to a covenant implied by virtue of this Act.

(3.) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the terms of the covenant, contract, bond, or obligation, and to the provisions therein contained.

(4.) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this Act.

60. *Effect of covenant with two or more jointly.*] (1.) A covenant, and a contract under seal, and a bond or obligation under seal, made with two or more jointly, to pay money or to make a conveyance, or to do any other act, to them or for their benefit, shall be deemed to include, and shall, by virtue of this Act, imply, an obligation to do the act to, or for the benefit of, the survivor or survivors of them, and to, or for the benefit of, any other person to whom the right to sue on the covenant, contract, bond, or obligation devolves.

(2.) This section extends to a covenant implied by virtue of this Act.

(3.) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the covenant, contract, bond, or obligation, and to the provisions therein contained.

(4.) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this Act.

61. *Effect of advance on joint account, &c.*] (1.) Where in a mortgage, or an obligation for payment of money, or a transfer of a mortgage or of such an obligation, the sum, or any part of the sum, advanced or owing is expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares, the mortgage money, or other money, or money's worth for the time being due to those persons on the mortgage or obligation shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagor or obligor; and the receipt in writing of the survivors or last survivor of them, or of the personal representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

(2.) This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.

(3.) This section applies only to a mortgage, or obligation, or transfer made after the commencement of this Act.

62. *Grants of easements, &c., by way of use.*] (1.) A conveyance of freehold land to the use that any person may have, for an estate or interest not exceeding in duration the estate conveyed in the land, any easement, right, liberty, or

privilege in, or over, or with respect to that land, or any part thereof, shall operate to vest in possession in that person that easement, right, liberty, or privilege, for the estate or interest expressed to be limited to him; and he, and the persons deriving title under him, shall have, use, and enjoy the same accordingly.

(2.) This section applies only to conveyances made after the commencement of this Act.

63. *Provision for all the estate, &c.*] (1.) Every conveyance shall, by virtue of this Act, be effectual to pass all the estate, right, title, interest, claim, and demand which the conveying parties respectively have, in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same.

(2.) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(3.) This section applies only to conveyances made after the commencement of this Act.

64. *Construction of implied covenants.*] In the construction of a covenant or proviso, or other provision, implied in a deed by virtue of this Act, words importing the singular or plural number, or the masculine gender, shall be read as also importing the plural or singular number, or as extending to females as the case may require.

XIII.—Long Terms.

65. *Enlargement of residue of long term into fee simple.*] (1.) Where a residue unexpired of not less than two hundred years of a term, which, as originally created, was for not less than three hundred years, is subsisting in land, whether being the whole land originally comprised in the term, or part only thereof, without any trust or right of redemption affecting the term in favour of the freeholder, or other person entitled in reversion expectant on the term, and without any rent, or with merely a peppercorn rent or other rent having no money value, incident to the reversion, or having had a rent, not being merely a peppercorn rent or other rent having no money value, originally so incident, which subsequently has been released, or has become barred by lapse of time, or has in any other way ceased to be payable, then the term may be enlarged into a fee simple in the manner, and subject to the restrictions, in this section provided.

(2.) Each of the following persons (namely):

(i.) Any person beneficially entitled in right of the term, whether subject to any incumbrance or not, to possession of any land comprised in the term; but, in case of a married woman, with the concurrence of her husband, unless she is entitled for her separate use, whether with restraint on anticipation or not, and then without his concurrence;

(ii.) Any person being in receipt of income as trustee, in right of the term, or having the term vested in him in trust for sale, whether subject to any incumbrance or not;

(iii.) Any person in whom, as personal representative of any deceased person, the term is vested, whether subject to any incumbrance or not;

shall, as far as regards the land to which he is entitled, or in which he is interested, in right of the term, in any such character as aforesaid, have power by deed to declare to the effect that, from and after the execution of the deed, the term shall be enlarged into a fee simple.

(3.) Thereupon, by virtue of the deed and of this Act, the term shall become and be enlarged accordingly, and the person in whom the term was previously vested shall acquire and have in the land a fee simple instead of the term.

(4.) The estate in fee simple so acquired by enlargement shall be subject to all the same trusts, powers, executory limitations over, rights, and equities, and to all the same covenants and provisions relating to user and enjoyment, and to all the same obligations of every kind, as the term would have been subject to if it had not been so enlarged.

(5.) But where any land so held for the residue of a term has been settled in trust by reference to other land, being freehold land, so as to go along with that other land as far as the law permits, and, at the time of enlargement, the ultimate beneficial interest in the term, whether subject to any subsisting particular estate or not, has not become absolutely and indefeasibly vested in any person, then the estate in fee simple acquired as aforesaid shall, without prejudice to any conveyance for value previously made by a person having a contingent or defeasible interest in the term, be liable to be, and shall be, conveyed and settled in like manner as the other land, being freehold land, aforesaid, and until so conveyed and settled shall devolve beneficially as if it had been so conveyed and settled.

(6.) The estate in fee simple so acquired shall, whether the term was originally created without impeachment of waste or not, include the fee simple in all mines and minerals which at the time of enlargement have not been severed in right, or in fact, or have not been severed or reserved by an inclosure Act or award.

(7.) This section applies to every such term as aforesaid subsisting at or after the commencement of this Act.

XIV.—Adoption of Act.

66. *Protection of solicitor and trustees adopting Act.*] (1.) It is hereby declared that the powers given by this Act to any person, and the covenants, provisions, stipulations, and words which under this Act are to be deemed included or implied in any instrument, or are by this Act made applicable to any contract for sale or other transaction, are and shall be deemed in law proper powers, covenants, provisions, stipulations, and words, to be given by or to be contained in any such instrument, or to be adopted in connexion with, or applied to, any such contract or transaction; and a solicitor shall not be deemed guilty of neglect or breach of duty, or become in any way liable, by reason of his omitting, in good faith, in any such instrument, or in connexion with any such contract or transaction, to negative the giving, inclusion, implication, or application of any of those powers, covenants, provisions, stipulations, or words, or to insert or apply any others in place thereof, in any case where the provisions of this Act would allow of his doing so.

(2.) But nothing in this Act shall be taken to imply that the insertion in any such instrument, or the adoption in connexion with, or the application to, any contract or transaction, of any further or other powers, covenants, provisions, stipulations, or words is improper.

(3.) Where the solicitor is acting for trustees, executors, or other persons in a fiduciary position, those persons shall also be protected in like manner.

(4.) Where such persons are acting without a solicitor, they shall also be protected in like manner.

XV.—Miscellaneous.

67. *Regulations respecting notice.*] (1.) Any notice required or authorised by this Act to be served shall be in writing.

(2.) Any notice required or authorised by this Act to be served on a lessee or mortgagor shall be sufficient, although only addressed to the lessee or mortgagor by that designation, without his name, or generally to the persons interested, without any name, and notwithstanding that any person to be affected by the notice is absent, under disability, unborn, or unascertained.

(3.) Any notice required or authorised by this Act to be served shall be sufficiently served if it is left at the last-known place of abode or business in the United Kingdom of the lessee, lessor, mortgagee, mortgagor, or other person to be served, or, in case of a notice required or authorised to be served on a lessee or mortgagor, is affixed or left for him on the land or any house or building comprised in the lease or mortgage, or, in case of a mining lease, is left for the lessee at the office or counting-house of the mine.

(4.) Any notice required or authorised by this Act to be served shall also be sufficiently served, if it is sent by post in a registered letter addressed to the lessee, lessor, mortgagee, mortgagor, or other person to be served, by name, at the aforesaid place of abode or business, office, or counting-house, and if that letter is not returned through the post-office undelivered; and that service shall be deemed to be made at the time at which the registered letter would in the ordinary course be delivered.

(5.) This section does not apply to notices served in proceedings in the Court.

68. *Short title of 5 & 6 Will. 4, c. 62.*] The Act described in Part II. of the First Schedule to this Act shall, by virtue of this Act, have the short title of the Statutory Declarations Act, 1835, and may be cited by that short title in any declaration made for any purpose under or by

virtue of that Act, or in any other document, or in any Act of Parliament.

XVI.—COURT; PROCEDURE; ORDERS.

69. *Regulations respecting payments into court and applications*—39 & 40 *Vict. c.* 59, *s.* 17.] (1.) All matters within the jurisdiction of the Court under this Act shall, subject to the Acts regulating the Court, be assigned to the Chancery Division of the Court.

(2.) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

(3.) Every application to the Court shall, except where it is otherwise expressed, be by summons at Chambers.

(4.) On an application by a purchaser notice shall be served in the first instance on the vendor.

(5.) On an application by a vendor notice shall be served in the first instance on the purchaser.

(6.) On any application notice shall be served on such persons, if any, as the Court thinks fit.

(7.) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application.

(8.) General Rules for purposes of this Act shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, and may be made accordingly.

(9.) The powers of the Court may, as regards land in the County Palatine of Lancaster, be exercised also by the Court of Chancery of the County Palatine; and Rules for regulating proceedings in that Court shall be from time to time made by the Chancellor of the Duchy of Lancaster, with the advice and consent of a Judge of the High Court acting in the Chancery Division, and of the Vice-Chancellor of the County Palatine.

(10.) General Rules, and Rules of the Court of Chancery of the County Palatine, under this Act may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act.

70. *Orders of Court conclusive*—40 & 41 *Vict. c.* 18, *s.* 40] (1.) An order of the Court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not.

(2.) This section shall have effect with respect to any lease, sale, or other Act under the authority of the Court, and purporting to be in pursuance of the Settled Estates Act, 1877, notwithstanding the exception in section forty of that Act, or to be in pursuance of any former Act repealed by that Act, notwithstanding any exception in such former Act.

(3.) This section applies to all orders made before or after the commencement of this Act, except any order which has before the commencement of this Act been set aside or determined to be invalid on any ground, and except any order as regards which an action or proceeding is at the commencement of this Act pending for having it set aside or determined to be invalid.

XVII.—REPEALS.

71. *Repeal of enactment in Part III. of Second Schedule; restriction on all repeals.*] (1.) The enactments described in Part III. of the Second Schedule to this Act are hereby repealed.

(2.) The repeal by this Act of any enactment shall not affect the validity or invalidity, or any operation, effect, or consequence of any instrument executed or made, or of anything done or suffered, before the commencement of this Act, or any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this Act; but this provision shall not be construed as qualifying the provision of this Act relating to section forty of the Settled Estates Act, 1877, or any former Act repealed by that Act.

XVIII.—IRELAND.

72. *Modifications respecting Ireland*—40 & 41 *Vict. c.* 57, *s.* 69.] (1.) In the application of this Act to Ireland the foregoing provisions shall be modified as in this section provided.

(2.) The Court shall be Her Majesty's High Court of Justice in Ireland.

(3.) All matters within the jurisdiction of that Court shall, subject to the Acts regulating that Court, be assigned to the Chancery Division of that Court; but General Rules under this Act may direct that any of those matters be assigned to the Land Judges of that Division.

(4.) The proper office of the Supreme Court of Judicature in Ireland shall be substituted for the central office of the Supreme Court of Judicature.

(5.) General Rules for purposes of this Act for Ireland shall be deemed Rules of Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, at any time after the passing of this Act, to take effect on or after the commencement of this Act.

73. *Death of bare trustee intestate, &c.*—37 & 38 *Vict. c.* 78.] (1.) Section 5 of the Vendor and Purchaser Act, 1874, is hereby repealed from and after the commencement of this Act, as regards cases of death thereafter happening, and section 7 of the Vendor and Purchaser Act, 1874, is hereby repealed as from the date at which it came into operation.

(2.) This section extends to Ireland only.

SCHEDULES.

THE FIRST SCHEDULE.

ACTS AFFECTED

PART I.

1 & 2 Vict. c. 110.—An Act for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.

2 & 3 Vict. c. 11.—An Act for the better protection of purchasers against judgments, crown debts, lis pendens, and fiats in bankruptcy.

18 & 19 Vict. c. 15.—An Act for the better protection of purchasers against judgments, crown debts, cases of lis pendens, and life annuities or rentcharges.

22 & 23 Vict. c. 35.—An Act to further amend the law of property and to relieve trustees.

23 & 24 Vict. c. 38.—An Act to further amend the law of property.

23 & 24 Vict. c. 115.—An Act to simplify and amend the practice as to the entry of satisfaction on Crown debts and on judgments.

27 & 28 Vict. c. 112.—An Act to amend the law relating to future judgments, statutes, and recognisances.

28 & 29 Vict. c. 104.—The Crown Suits, &c., Act, 1865.

31 & 32 Vict. c. 54.—The Judgments Extension Act, 1868.

PART II.

5 & 6 Will. 4, c. 62.—An Act to repeal an Act of the present session of Parliament, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the State, and to substitute declarations in lieu thereof; and for the more entire suppression of voluntary and extra-judicial oaths and affidavits;" and to make other provisions for the abolition of unnecessary oaths.

THE SECOND SCHEDULE.

REPEALS.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

PART I.

22 & 23 Vict. c. 35. in part.	An Act to further amend the law of property and to relieve trustees. . . . Sections four to nine.	in part; namely,—
23 & 24 Vict. c. 126. in part.	The Common Law Procedure Act, 1860 . . . . Section two.	in part; namely,—

PART II.

15 & 16 Vict. c. 86. in part.	An Act to amend the practice and course of proceeding in the High Court of Chancery Section forty-eight .	in part; namely,—

PART III

8 & 9 Vict. c. 119.	An Act to facilitate the conveyance of real property.
13 & 24 Vict. c. 145. in part.	An Act to give to trustees, mortgagees, and others certain powers now commonly inserted in settlements, mortgages, and wills . . (in part; namely—) Parts II. and III. (sections eleven to thirty).

THE THIRD SCHEDULE.

STATUTORY MORTGAGE.

PART I.

Deed of Statutory Mortgage.

THIS INDENTURE made by way of statutory mortgage the day of 1882 between A. of [&c.] of the one part and M. of [&c.] of the other part WITNESSETH that in consideration of the sum of £ now paid to A. by M. of which sum A. hereby acknowledges the receipt A. as mortgagor and as beneficial owner hereby conveys to M. all that [&c.] To hold to and to the use of M. in fee simple for securing payment on the day of 1883 of the principal sum of £ as the mortgage money with interest thereon at the rate of [four] per centum per annum.

In witness &c.

*** Variations in this and subsequent forms to be made, if required, for leasehold land, or other matter.

PART II.

(A.)

Deed of Statutory Transfer, Mortgagor not joining.

THIS INDENTURE made by way of statutory transfer of mortgage the day of 1883 between M. of [&c.] of the one part and T. of [&c.] of the other part supplemental to an indenture made by way of statutory mortgage dated the day of 1882 and made between [&c.] WITNESSETH that in consideration of the sum of £ now paid to M. by T. being the aggregate amount of £ mortgage money and £ interest due in respect of the said mortgage of which sum M. hereby acknowledges the receipt M. as mortgagee hereby conveys and transfers to T. the benefit of the said mortgage.

In witness &c.

(B.)

Deed of Statutory Transfer, a Covenantor joining.

THIS INDENTURE made by way of statutory transfer of mortgage the day of 1883 between A. of [&c.] of the first part B. of [&c.] of the second part and C. of [&c.] of the third part supplemental to an indenture made by way of statutory mortgage dated the day of 1882 and made between [&c.] WITNESSETH that in consideration of the sum of £ now paid to A. by C. being the mortgage money due in respect of the said mortgage no interest being now due and payable thereon of which sum A. hereby acknowledges the receipt A. as mortgagee with the concurrence of B. who joins herein as covenantor hereby conveys and transfers to C. the benefit of the said mortgage.

In witness &c.

(C.)

Statutory Transfer and Statutory Mortgage combined.

THIS INDENTURE made by way of statutory transfer of mortgage and statutory mortgage the day of 1883 between A. of [&c.] of the 1st part B. of [&c.] of the 2nd part and C. of [&c.] of the 3rd part supplemental to an indenture made by way of statutory mortgage dated the day of 1882 and made between [&c.] WHEREAS the principal sum of £ only remains due in respect of the said mortgage as the mortgage money and no interest is now due and payable thereon AND WHEREAS B. is seised in fee simple of the land comprised in the said mortgage subject to that mortgage NOW THIS INDENTURE WITNESSETH that in consideration of the sum of £ now paid to A. by C. of which sum A. hereby acknowledges the receipt and B. hereby acknowledges the payment and receipt as aforesaid* A. as mortgagee hereby conveys and transfers to C. the benefit of the said mortgage AND THIS INDENTURE ALSO WITNESSETH that for the same consideration A. as mortgagee and according to his estate and by direction of B. hereby conveys and B. as beneficial owner hereby conveys and confirms to C. All that [&c.] To hold to and to the use of C. in fee simple for securing payment on the day of 1882 of† the sum of £ as the mortgage money[with interest thereon at the rate of [four] per centum per annum.

In witness &c.

[Or, in case of further advance, after aforesaid at* insert and also in consideration of the further sum of £ now paid by C. to B. of which sum B. hereby acknowledges the receipt, and after *of* at † insert the sums of £ and £ making together]

*** Variations to be made, as required, in case of the deed being made by indorsement, or in respect of any other thing.

PART III.

Deed of Statutory Re-conveyance of Mortgage.

THIS INDENTURE made by way of statutory re-conveyance of mortgage the day of 1884 between C. of [&c.] of the one part and B. of [&c.] of the other part supplemental to an indenture made by way of statutory transfer of mortgage dated the day of 1883 and made between [&c.] WITNESSETH that in consideration of all principal money and interest due under that indenture having been paid of which principal and interest C. hereby acknowledges the receipt C. as mortgagee hereby conveys to B. all the lands and hereditaments now vested in C. under the said indenture To hold to and to the use of B. in fee simple discharged from all principal money and interest secured by and from all claims and demands under the said indenture.

In witness &c.

*** Variations as noted above.

THE FOURTH SCHEDULE.

SHORT FORMS OF DEEDS.

I.—*Mortgage.*

THIS INDENTURE OF MORTGAGE made the day of 1882, between A. of [&c.] of the one part and B. of [&c.] and C. of [&c.] of the other part WITNESSETH that in consideration of the sum of £ paid to A. by B. and C. out of money belonging to them on a joint account of which sum A. hereby acknowledges the receipt A. hereby covenants with B. and C. to pay to them on the day of 1882 the sum of £ with interest thereon in the meantime at the rate of [four] per centum per annum and also as long after that day as any principal money remains due under this mortgage to pay to B. and C. interest thereon at the same rate by equal half-yearly payments on the day of and the day of AND THIS INDENTURE ALSO WITNESSETH that for the same consideration A. as beneficial owner hereby conveys to B. and C. All that [&c.] To hold to and to the use of B. and C. in fee simple subject to the proviso for redemption following (namely) that if A. or any person claiming under him shall on the day of 1882 pay to B. and C. the sum of £ and interest thereon at the rate aforesaid then B. and C. or the persons claiming under them will at the request and cost of A. or the persons claiming under him re-convey the premises to A. or the persons claiming under him AND A. hereby covenants with B. as follows [here add covenant as to fire insurance or other special covenant required].

In witness, &c.

II.—*Further Charge.*

THIS INDENTURE made the day of 18 between [the same parties as the foregoing mortgage] and supplemental to an indenture of mortgage dated the day of 18 and made between the same parties for securing the sum of £ and interest at [four] per centum per annum on property at [&c.] WITNESSETH that in consideration of the further sum of £ paid to A. by B. and C. out of money belonging to them on a joint account [add receipt and covenant as in the foregoing mortgage] and further that all the property comprised in the before-mentioned indenture of mortgage shall stand charged with the payment to B. and C. of the sum of £ and the interest thereon hereinbefore covenanted to be paid as well as the sum of £ and interest secured by the same indenture.

In witness, &c.

III.—*Conveyance on Sale.*

THIS INDENTURE made the day of 1883

between A. of [&c.] of the 1st part B. of [&c.] and C. of [&c.] of the 2nd part and M. of [&c.] of the 3rd part WHEREAS by an indenture dated [&c.] and made between [&c.] the lands hereinafter mentioned were conveyed by A. to B. and C. in fee simple by way of mortgage for securing £ and interest and by a supplemental indenture dated [&c.] and made between the same parties those lands were charged by A. with the payment to B. and C. of the further sum of £ and interest thereon AND WHEREAS a principal sum of £ remains due under the two before-mentioned indentures but all interest thereon has been paid as B. and C. hereby acknowledge NOW THIS INDENTURE WITNESSETH that in consideration of the sum of £ paid by the direction of A. to B. and C. and of the sum of £ paid to A. those two sums making together the total sum of £ paid by M. for the purchase of the fee simple of the lands herein-after mentioned of which sum of £ B. and C. hereby acknowledge the receipt and of which total sum of £ A. hereby acknowledges the payment and receipt in manner before-mentioned B. and C. as mortgagees and by the direction of A. as beneficial owner hereby convey and A. as beneficial owner hereby conveys and confirms to M. All that [&c.] To hold to and to the use of M. in fee simple discharged from all money secured by and from all claims under the before-mentioned indentures [Add, if required, And A. hereby acknowledges the right of M. to production of the documents of title mentioned in the Schedule hereto and to delivery of copies thereof and hereby undertakes for the safe custody thereof].

In witness, &c.

[The Schedule above referred to.
To contain list of documents retained by A.]

IV.—*Marriage Settlement.*

THIS INDENTURE made the day of 1882 between John M. of [&c.] of the first part Jane S. of [&c.] of the 2nd part and X. of [&c.] and Y. of [&c.] of the 3rd part WITNESSETH that in consideration of the intended marriage between John M. and Jane S. John M. as settlor hereby conveys to X. and Y. All that [&c.] To hold to X. and Y. in fee simple to the use of John M. in fee simple until the marriage and after the marriage to the use of John M. during his life without impeachment of waste with remainder after his death to the use that Jane S. if she survives him may receive during the rest of her life a yearly jointure rentcharge of £ to commence from his death and to be paid by equal half-yearly payments the first thereof to be made at the end of six calendar months from his death if she is then living or if not a proportional part to be paid at her death and subject to the before-mentioned rentcharge to the use of X. and Y. for a term of five hundred years without impeachment of waste on the trusts herein-after declared and subject thereto to the use of the first and other sons of John M. and Jane S. successively according to seniority in tail male with remainder [insert here, if thought desirable, to the use of the same first and other sons successively according to seniority in tail with remainder] to the use of all the daughters of John M. and Jane S. in equal shares as tenants in common in tail with cross remainders between them in tail with remainder to the use of John M. in fee simple [Insert trusts of term of 500 years for raising portions; also, if required, power to charge jointure and portions on a future marriage; also powers of sale, exchange, and partition, and other powers and provisions, if and as desired.]

In witness, &c.

CAP. XLII.

An Act to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain cities and boroughs. [22nd August 1881.

Whereas, in pursuance of addresses to Her Majesty from both Houses of Parliament in relation to elections of members to serve in Parliament for the cities and boroughs mentioned in the schedule to this Act, commissioners were appointed by commissions, dated the ninth day of September one thousand eight hundred and eighty, for the purpose of making inquiry into the existence of corrupt practices at the elections of members to serve in Parliament for the said cities and boroughs:

And whereas the said commissioners have respectively reported as regards the existence of corrupt practices to the effect in the second column of the said schedule mentioned:

And whereas it is expedient, with a view to the future consideration of the cases by Parliament, to provide temporarily for the suspension of elections in the said cities and boroughs:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Corrupt Practices (Suspension of Elections) Act, 1881.

2. *Suspension of elections in certain cities and boroughs.*] An election of a member or members to serve in Parliament for any of the cities or boroughs mentioned in the schedule to this Act shall not be held until the expiration of seven days after the meeting of Parliament in the year one thousand eight hundred and eighty-two.

SCHEDULE.

CITIES AND BOROUGHS REFERRED TO.

Name of City or Borough.	Report of Comissioners as to prevalence of corrupt practices.
Boston - - -	Corrupt practices prevailed very extensively at the election of 1880. . . . . It was stated as an undoubted fact that all elections, both parliamentary and municipal, have for a long time past been corrupt.
Canterbury -	Corrupt practices extensively prevailed at the elections of 1879 and 1880.
Chester - -	Corrupt practices extensively prevailed at the general elections of February 1874 and of April 1880.
Gloucester - -	Corrupt practices extensively prevailed at the elections in February 1874 and March 1880.
Macclesfield - -	Corrupt practices extensively prevailed at the elections of 1865, 1868, 1874, and 1880.
Oxford - - -	Corrupt practices were committed at the election in February 1874, and corrupt practices extensively prevailed at the elections in March 1874, April 1880, and May 1880, by way of payment of money to voters as therein mentioned.
Sandwich - -	In the election of May 1880, there was practised throughout the constituency, not only indirect bribery of various kinds, but direct bribery the most extensive and systematic. . . . . Electoral corruption has long extensively prevailed in the borough.

CAP. XLIII.

An Act to extend the Superannuation Act Amendment Act, 1873, to certain persons admitted into subordinate situations in the departments of the Postmaster-General, and the Commissioners of Her Majesty's Works and Public Buildings. [22nd August 1881.

Whereas by the Superannuation Act, 1859, it is enacted that for the purposes of that Act no person thereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such person holds his appointment directly from the Crown or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners, and that a person appointed before the passing of that Act to an office shall not be held to have served in the permanent Civil Service as aforesaid, unless such person belonged to a class which was at the passing of the Act entitled to superannuation allowance or to such other class as therein mentioned:

And whereas in certain public departments of the State persons not belonging to the said classes were appointed after the passing of the said Act, and before the fourth day of

June one thousand eight hundred and seventy, to established situations in the Civil Service, but through inadvertence on the part of the heads of such departments, and without any default on the part of the persons so appointed, no steps were taken before their appointment to procure for them certificates from the Civil Service Commissioners, and the Superannuation Act Amendment Act, 1873, was passed to relieve such persons, and authorised the Commissioners of Her Majesty's Treasury at any time before the first day of January one thousand eight hundred and seventy-four, upon application being made by the head of a public department, to declare that any such person as above mentioned should be in the same position as if he had been admitted into the Civil Service with a certificate from the Civil Service Commissioners:

And whereas since the first day of January one thousand eight hundred and seventy-four it has been discovered that certain persons appointed before the said fourth day of June one thousand eight hundred and seventy to subordinate situations in the departments of the Postmaster-General and of the Commissioners of Her Majesty's Works and Public Buildings were, without any default on the part of such persons, omitted from the applications authorised to be made to the Treasury by the Superannuation Act Amendment Act, 1873, and it is unjust that such persons should be deprived of the benefits of that Act:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Superannuation Act, 1881.

2. *Extension of* 36 & 37 *Vict. c.* 23.] The Superannuation Act Amendment Act, 1873, shall apply to the several persons appointed as aforesaid to subordinate situations in the departments of the Postmaster-General and of the Commissioners of Her Majesty's Works and Public Buildings, but not further or otherwise, in like manner as if it were herein re-enacted, with the substitution of one thousand eight hundred and eighty-two for one thousand eight hundred and seventy-four.

CAP. XLIV.

An Act for making better provision respecting the Remuneration of Solicitors in Conveyancing and other non-contentious Business. [22nd August 1881.

Be it enacted, &c.:

Preliminary.

1. *Short title; extent; interpretation*—29 & 30 *Vict. c.* 84.] (1.) This Act may be cited as the Solicitors Remuneration Act, 1881.

(2.) This Act does not extend to Scotland.

3.) In this Act—

"Solicitor" means a solicitor or proctor qualified according the statutes in that behalf:

"Client" includes any person who, as a principal, or on behalf of another, or as trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor, for his services, any costs, remuneration, charges, expenses, or disbursements:

"Person" includes a body of persons corporate or unincorporate:

"Incorporated Law Society" means, in England, the society referred to under that title in the Act passed in the session of the twenty-third and twenty-fourth years of Her Majesty's reign, intituled "An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers"; and, in Ireland, the society referred to under that title in the Attorneys and Solicitors Act, Ireland, 1866:

"Provincial law societies or associations" means all bodies of solicitors in England incorporated by Royal Charter, or under the Joint Stock Companies Act, other than the Incorporated Law Society above mentioned.

General Orders.

2. *Power to make General Orders for remuneration in conveyancing, &c.*] In England the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, and the president for the time being of the Incorporated Law Society, and the president of one of the provincial law societies or associations, to be selected and nominated from time to time by the Lord Chancellor to serve during the tenure of office of such president, or any three of them, the Lord Chancellor being one, and, in Ireland the Lord Chancellor, the Lord Chief Justice of Ireland, the Master of the Rolls, and the president for the time being of the Incorporated Law Society, or any three of them, the Lord Chancellor being one, may from time to time make any such General Order as to them seems fit for prescribing and regulating the remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, settlements, and other matters of conveyancing, and in respect of other business not being business in any action, or transacted in any Court, or in the Chambers of any Judge or Master, and not being otherwise contentious business, and may revoke or alter any such Order.

3. *Communication to Incorporated Law Society.*] One month at least before any such General Order shall be made, the Lord Chancellor shall cause a copy of the regulations and provisions proposed to be embodied therein to be communicated in writing to the Council of the Incorporated Law Society, who shall be at liberty to submit such observations and suggestions in writing as they may think fit to offer thereon; and the Lord Chancellor, and the other persons hereby authorised to make such Order, shall take into consideration any such observations or suggestions which may be submitted to them by the said Council within one month from the day on which such communication to the said Council shall have been made as aforesaid, and, after duly considering the same, may make such Order, either in the form or to the effect originally communicated to the said Council, or with such alterations, additions, or amendments, as to them may seem fit.

4. *Principles of remuneration.*] Any General Order under this Act may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or per-centage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without any regard to length, or in any other mode, or partly in one mode and partly in another, or others, and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following, among other considerations; (namely,)

The position of the party for whom the solicitor is concerned in any business, that is, whether as vender or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like:

The place, district, and circumstances at or in which the business or part thereof is transacted:

The amount of the capital money or of the rent to which the business relates:

The skill, labour, and responsibility involved therein on the part of the solicitor:

The number and importance of the documents prepared or perused, without regard to length:

The average or ordinary remuneration obtained by solicitors in like business at the passing of this Act.

5. *Security for costs, and interest on disbursements.*] Any General Order under this Act may authorise and regulate the taking by a solicitor from his client of security for future remuneration in accordance with any such Order, to be ascertained by taxation or otherwise, and the allowance of interest.

6. *Order to be laid before Houses of Parliament; disallowance on address.*] (1.) Any General Order under this Act shall not take effect unless and until it has been laid before each House of Parliament, and one month thereafter has elapsed.

(2.) If within that month an address is presented to the Queen by either House, seeking the disallowance of the Order, or part thereof, it shall be lawful for Her Majesty, by Order in Council, to disallow the Order, or that part, and the Order or part disallowed shall not take effect.

7. *Effect of Order as to taxation.*] As long as any General Order under this Act is in operation, the taxation of bills of costs of solicitors shall be regulated thereby.

Agreements.

8. *Power for solicitor and client to agree on form and amount of remuneration.*] (1.) With respect to any business to

which the foregoing provisions of this Act relate, whether any General Order under this Act is in operation or not, it shall be competent for a solicitor to make an agreement with his client, and for a client to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor, to such amount and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or per-centage, or by salary, or otherwise; and it shall be competent for the solicitor to accept from the client, and for the client to give to the solicitor, remuneration accordingly.

(2.) The agreement shall be in writing, signed by the person to be bound thereby or by his agent in that behalf.

(3.) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees, or other matters.

(4.) The agreement may be sued and recovered on or impeached and set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor; and if, under any order for taxation of costs, such agreement being relied upon by the solicitor shall be objected to by the client as unfair or unreasonable, the taxing master or officer of the Court may inquire into the facts, and certify the same to the Court; and if, upon such certificate, it shall appear to the Court or judge that just cause has been shown either for cancelling the agreement, or for reducing the amount payable under the same, the Court or judge shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying such order into effect, or otherwise consequential thereon, as to the Court or judge may seem fit.

9. *Restriction on Solicitors Act, 1870*—33 & 34 *Vict. c.* 28.] The Attorneys and Solicitors' Act, 1870, shall not apply to any business to which this Act relates.

CAP. XLV.

An Act to amend the Pedlars Act, 1871, as regards the district within which a certificate authorises a person to act as Pedlar. [22nd August 1881.

Whereas by the Pedlars Act, 1871, it is provided that any pedlar who has obtained a pedlar's certificate desires to act as a pedlar in any other police district than that in which the certificate is taken out must obtain an indorsement of such certificate by the chief officer of police of such other district:

And whereas it is expedient to remove the necessity for such indorsement:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Pedlars Act, 1881.

This Act and the Pedlars Act, 1871, may be cited together as the Pedlars Acts, 1871 and 1881.

2. *Alteration of* 34 & 35 *Vict. c.* 96, *so far as regards requiring indorsement of a pedlar's certificate.*] A pedlar's certificate granted under the Pedlars Act, 1871, shall during the time for which it continues in force authorise the person to whom it is granted to act as a pedlar within any part of the United Kingdom.

The Pedlars Certificate Act, 1871, is repealed to the extent in the third column of the schedule to this Act mentioned.

SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred so as forming the beginning, or as forming the end, of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
34 & 35 Vict. c. 96	The Pedlars Act, 1871	Section four, from "or Acts as a pedlar in any district" down to "this Act"; section six, from "a pedlar's certificate" down to "taken out"; section seven; in section eight the words "and of the indorsement of certificates" and the words "and made"; section twelve so far as it relates to an indorsement, and section fifteen so far as it relates to an indorsement.

CAP. XLVI.

An Act to amend the Patriotic Fund Act, 1867, and make further provision respecting certain Funds administered by the same Commissioners as the Patriotic Fund. [22nd August 1881.

Whereas the fund called the Patriotic Fund has been administered in accordance with commissions from Her Majesty (the original commission having been dated the seventh day of October one thousand eight hundred and fifty-four, and the supplementary commission having been dated the twenty-sixth day of March one thousand eight hundred and sixty-eight), and in accordance with the Patriotic Fund Act, 1867, and has been so administered by the Commissioners and the executive committee appointed by them in pursuance of the said commissions:

And whereas the Commissioners appropriated the Patriotic Fund for divers purposes, and among others for the erection and endowment of a girls school known as the Royal Victoria Patriotic Asylum for Girls, and for the partial endowment of a boys school known as the Royal Victoria Patriotic Asylum for Boys, and purchased land and erected thereon the said girls school and boys school, and such appropriations were confirmed by the Patriotic Fund Act, 1867:

And whereas, in pursuance of the said Act, Her Majesty by the said supplementary commission directed the Commissioners to apply the Patriotic Fund (subject to the appropriations above mentioned), in such manner as the Commissioners might think fit, for the purposes mentioned in section five of the said Act, and further directed that the fund known as the Rodriguez Fund should be applied for the like purposes as the Patriotic Fund:

And whereas the Commissioners have undertaken to apply to the Charity Commissioners for England and Wales for a scheme under the Endowed Schools Act, 1869, to deal with the government of the girls school known as the Royal Victoria Patriotic Asylum for Girls, and with such portion of the Patriotic Fund as has been appropriated for the endowment thereof:

And whereas it is expedient to authorise the sale of the boys school known as the Royal Victoria Patriotic Asylum for Boys, and to make such other provision with respect to the said Commissioners and the Patriotic Fund and the Rodriguez Fund as is herein-after contained:

And whereas the said Commissioners have accepted the administration of the funds mentioned in the schedule to this Act, and it is expedient to make further provision respecting those funds:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Patriotic Fund Act, 1881.

2. *Authority to sell boys school.*] The Commissioners of the Patriotic Fund may agree to sell the boys school known as the Royal Victoria Patriotic Asylum for Boys, and the land appropriated thereto, in such manner as

they think expedient, and the official trustees of the Patriotic Fund within the meaning of the Patriotic Fund Act, 1867, may convey the same to the purchaser, and the conveyance by the said official trustees and their receipt for the purchase money shall be conclusive evidence in favour of the purchaser and all persons claiming through him that the sale of the property comprised in the conveyance was authorised by and duly made in pursuance of this Act, and that the purchase money was duly paid; and the purchaser shall not inquire into the legality of the sale or into the application of the purchase money, or be responsible for the non-application or misapplication thereof.

The said purchase money and also the part of the endowment appropriated for the boys school shall be carried to and form part of the Patriotic Fund, and be applicable for the purposes to which the rest of that fund is for the time being applicable.

3. *Filling up vacancies among Commissioners.*] It shall be lawful for Her Majesty from time to time by warrant under Her Sign Manual to appoint any person to fill any vacancy among the Commissioners of the Patriotic Fund which has arisen either before or after the passing of this Act from death, resignation, or otherwise, and all persons so appointed shall be Commissioners of the Patriotic Fund, in like manner as if they were named in the above-recited commissions or in any supplemental commission issued after the passing of this Act.

4. *Provision as to application of funds administered by the Patriotic Fund Commissioners*—30 & 31 *Vict. c.* 98.] It shall be lawful for Her Majesty from time to time, by supplemental commission under Her Royal Sign Manual, to direct the Commissioners of the Patriotic Fund to apply the Patriotic Fund and the income and accumulations thereof or any parts thereof (so far as not appropriated for the Royal Victoria Patriotic Asylum for Girls and for the purposes mentioned in the schedule to the Patriotic Fund Act, 1867, and so far as not required to meet liabilities and claims existing prior to the date of such commission) for such purposes for the benefit of the widows and children of officers and men of Her Majesty's military and naval forces, and in such manner as may be directed by the said commission, and so far as any direction in the commission does not extend, as the Commissioners from time to time think expedient.

This section shall apply to the Rodriguez Fund and to any surplus of the funds mentioned in the schedule to this Act which remains after providing for the special trusts of those funds in like manner as if such Rodriguez Fund and surplus formed part of the Patriotic Fund.

Sections six to twenty (both inclusive) of the Patriotic Fund Act, 1867, shall apply to all the funds mentioned in this section in like manner as if they were herein re-enacted, and as if the supplemental commission mentioned in these sections referred to any supplemental commission issued in pursuance of this Act, and as if the references in those sections to the said Act or to any section thereof referred to this section, and as if in the said sections as so re-enacted the Rodriguez Fund and the Funds mentioned in the schedule to this Act, and any funds the administration of which may hereafter be accepted by the Commissioners of the Patriotic Fund, were specified as well as the Patriotic Fund: Provided that no transfer need be made under section eleven as so re-enacted of any funds already transferred to the official trustees of the Patriotic Fund, and that the account to be kept by the Paymaster-General under section fourteen shall be such as the Commissioners of Her Majesty's Treasury from time to time direct.

5. *Approval of Treasury to pension under* 30 & 31 *Vict. c.* 98, *s.* 19.] The Commissioners of the Patriotic Fund, before submitting to Her Majesty, under the Patriotic Fund Act, 1867, or this Act, any award of a pension or retiring allowance to any person employed by the Commissioners, shall obtain the approval of the Commissioners of Her Majesty's Treasury to such award.

SCHEDULE.

Fund.	Circumstances of Fund.
Captain Fund .	This fund is administered under a trust deed of the 26th October 1871, which, after setting out the trusts of the fund, provides that any surplus shall be applied in relief of widows, children, or parents of officers, petty officers, non-commissioned officers, seamen, and marines of Her Majesty's Navy.
Royal Naval Relief Fund	This fund is administered under a commission from Her Majesty, dated the 7th June 1875, for the immediate relief of any special objects of destitution arising among the widows, orphans, and other relatives of deceased officers, sailors, and marines who have served in the Navy.
Eurydice Fund .	This fund is administered under a trust deed dated the 19th November 1878, which, after setting out the trusts of the fund, provides that any surplus shall be transferred to the Royal Naval Relief Fund.
Zulu War Fund	This fund is administered under a Royal Warrant dated the 22nd August 1879, which provides that, subject to the special trusts therein mentioned, the fund shall be administered as Her Majesty may from time to time direct.
Atalanta Fund .	This fund is administered under a trust deed dated the eleventh day of July 1881, which sets forth the trust of the fund, and provides that any surplus shall be paid to the Royal Naval Relief Fund.

CAP. XLVII.

An Act to amend the Law as regards the Presumption of Life in persons long absent from Scotland.

[22nd August, 1881.

CAP. XLVIII.

An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.

[22nd August, 1881.

Whereas by the Metropolitan Board of Works (Loans) Act, 1875, (in this Act referred to as "the Act of 1875,") the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount:

And whereas by the Metropolitan Board of Works (Money) Act, 1880, (in this Act referred to as "the Act of 1880,") the Board were empowered to raise certain sums of money for the purposes in the said Act mentioned, and limits of time and amount within which the powers by the said Act granted might be exercised were fixed:

And whereas the powers for the raising of money by the Act of 1880 conferred upon the Board have been partially exercised, but it is expedient that the Board should have power to raise certain further sums of money, specified in the First Schedule to this Act annexed, for the purposes, upon the terms, and subject to the limitations herein-after mentioned, and that the Act of 1880 should be amended:

And whereas it is expedient that the Board should be empowered to raise any of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period, by the issue of bills, with the consent of the Treasury, for not less than three and not more than twelve months, to be repaid out of moneys raised by the creation of consolidated stock under this Act:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Metropolitan Board of Works (Money) Act, 1881, and the Metropolitan Board of Works (Money) Acts, 1875 to 1880, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1881.

2. *Construction of Act.*] This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1880.

3. *Interpretation.*] The expression "Parks and Open Spaces Acts" in this Act shall mean the enactments specified in Part I. of the Second Schedule to this Act annexed.

The expression "Embankment Acts" in the Metropolitan Board of Works (Loans) Act, 1869, and in this Act shall mean the series of Acts specified in Part II. of the Second Schedule to this Act annexed, and the Metropolitan Board of Works (Loans) Act, 1869, shall be construed accordingly.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

4. *Amendment of section* 7 *of* 43 & 44 *Vict. c.* 25—28 & 29 *Vict. c.* 90.] Section seven of the Act of 1880 shall be read and construed as if the aggregate amount which the Board was thereby authorised to expend for the purposes of the Fire Brigade Act, 1865, had been limited to a sum not exceeding forty thousand pounds instead of thirty thousand pounds.

5. *Amendment of section* 6 *of* 43 & 44 *Vict. c.* 25, *as to expenditure under Embankment Acts and in relation to Sun Street*—39 & 40 *Vict. c.* 55.] Section six of the Act of 1880 shall be read and construed as if the aggregate amount which the Board was, by sub-section (*d*) of the said section, authorised to expend for the purposes of completing the works authorised by the Embankment Acts, and for completing the Sun Street Improvement under the Metropolitan Board of Works Various Powers Act, 1876, had been limited to a sum of thirteen thousand pounds instead of ten thousand pounds, and as if the aggregate amount which the Board was, by sub-section (*e*) of the said section, authorised to expend for the purposes of defraying the costs of tablets of inscription on the four sides of the base of the obelisk on the Victoria Embankment, of the alteration of the adjoining granite pedestals and placing sphinxes thereon, and of other permanent work incurred and to be incurred in carrying out the general design, had been limited to nine thousand pounds instead of seven thousand pounds.

6. *Amendment of section* 10 *of* 43 & 44 *Vict. c.* 25, *as to expenditure for purposes of main drainage and main sewers.*] Section ten of the Act of 1880 shall be read and construed as if the aggregate amount which the Board was thereby authorised to expend for the purposes of main drainage and main sewers therein mentioned had been limited to a sum of four hundred thousand pounds instead of three hundred thousand pounds.

7. *Power to Board to expend moneys for purposes of the Metropolitan Board of Works (Various Powers) Act,* 1881, *and* 44 *Vict. c. xviii.*] The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1881, if it becomes law, such moneys as they may think fit, not exceeding thirty-four thousand two hundred pounds, and such further sum as the Treasury shall approve.

The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of the Metropolitan Commons Supplemental Act, 1881, and in the purchase of a piece of land adjoining Brook Green, Hammersmith, a sum not exceeding twelve thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Act in a proper and efficient manner.

8. *Power to Board to expend money for purposes of* 44 & 45 *Vict. c. cxcii.*] The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of the Metropolitan Bridges Act, 1881, if it becomes law, such money as they think fit, not exceeding seven hundred and sixty thousand pounds.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Act in a proper and efficient manner.

9. *Power to Board to expend moneys during year ending* 31*st December,* 1882, *for purposes of* 18 & 19 *Vict. c.* 120, *s.* 144, *and* 25 & 26 *Vict. c.* 102, *s.* 72, *of Street Improvements Act* (35 & 36 *Vict. c. clxiii.*), *of Parks and Open Spaces Acts, of Embankment Acts, improvement of Sun Street, of the obelisk on Victoria Embankment, and of the Toll Bridges Act,* 40 & 41 *Vict. c. xcix.*] The Board may from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes herein-after mentioned such moneys as they may think fit, not exceeding the amounts limited in relation to such purposes respectively.

(*a.*) For the purposes mentioned in section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, one hundred thousand pounds:

(*b.*) For the purposes of the Metropolitan Street Improvements Act, 1872, thirty thousand and one hundred and thirty-four pounds eighteen shillings and ninepence, provided that the moneys hereby authorised to be expended for the said purposes, together with any moneys expended for the said purposes under the authority of the Metropolitan Board of Works (Money) Acts, 1877 to 1880, shall not exceed sixty thousand pounds:

(*c.*) For the purposes of the Parks and Open Spaces Acts fifteen thousand pounds:

(*d.*) For the purposes of completing the works authorised by the Embankment Acts, including the purchase and erection of lamp standards on such parts of such works as the Board may think fit, and for completing the Sun Street Improvement under the Metropolitan Board of Works Various Powers Act, 1876, and for completing the tablets of inscription on the four sides of the base of the obelisk on the Victoria Embankment, the adjoining granite pedestals and the sphinxes thereon, and other permanent work, in carrying out the general design in relation to the said obelisk, twelve thousand pounds; provided that the moneys hereby authorised to be expended for the said purposes, together with any moneys expended for the said purposes under the Act of 1880, shall not exceed thirty-four thousand pounds:

(*e.*) For the purposes of the Metropolis Toll Bridges Act, 1877, including the cost of certain special works for the maintenance and repair of certain of the bridges acquired by the Board under the said Act, and commutation of pensions, fifty thousand pounds; provided that the moneys hereby authorised to be expended for the said purposes, together with the moneys heretofore authorised to be expended by the Board for the purposes of the Metropolis Toll Bridges Act, 1877, shall not exceed the sum of one million six hundred thousand pounds.

The Board, in order to raise money for the several purposes mentioned in this section, may from time to time create consolidated stock.

10. *Power to Board to expend money for purposes of Fire Brigade*—28 & 29 *Vict. c.* 90.] The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of providing station-houses, fire engines, fire escapes, and permanent plant for the purposes of the Fire

Brigade Act, 1865, such money as they think fit, not exceeding thirty thousand pounds.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

11. *Power to Board to expend money for purposes of street improvements under* 40 & 41 *Vict. c. ccxxxv. and* 42 & 43 *Vict. c. exviii.*] The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend—

(*a.*) For the purposes of the Metropolitan Street Improvements Act, 1877, such money as they think fit, not exceeding one million five hundred thousand pounds, or such further sum as the Treasury may approve; provided that the moneys hereby authorised to be expended for the said purposes, together with all moneys heretofore authorised to be expended by the Board for the said purposes, shall not exceed three million seven hundred and twelve thousand five hundred and seven pounds; and

(*b.*) For the purposes of the Thames River (Prevention of Floods) Act, 1879, such money as they think fit, not exceeding ninety thousand pounds, or such further sum as the Treasury may approve.

The Board, in order to raise money for the several purposes mentioned in this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying into effect the provisions of the said Acts respectively in a proper and efficient manner.

12. *Power to Board to expend money for purposes of schemes under* 38 & 39 *Vict. c.* 36.] The Board may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purposes of schemes made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875, and confirmed by Provisional Order and Act of Parliament, such money as they think fit, not exceeding three hundred thousand pounds, or such further sum as the Treasury may approve.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock, but there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875) to the consolidated rate out of the local rate, as defined by the Artizans and Labourers Dwellings Improvement Act, 1875, all moneys required for payment of dividends on and the redemption of the consolidated stock created for the purposes of this section: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying such schemes into effect in a proper and efficient manner.

13. *Special power to Board to expend money for purposes of main drainage and main sewers*—21 & 22 *Vict. c.* 104—26 & 27 *Vict. c.* 93—28 & 29 *Vict. c.* 19—18 & 19 *Vict. c.* 120.] The Board may, up to the thirty-first day of December one thousand eight hundred and eighty-two, expend for the purpose of adding to, extending, enlarging, improving, and completing the works authorised by the Main Drainage Acts, and for rendering the same efficient in such manner as to them may seem proper, and for extending, enlarging, and improving the main sewers transferred to and vested in the Board under and by virtue of the Metropolis Management Act, 1855, and for making such other sewers and works, and such alterations and diversions of such existing main sewers, as may to them seem proper for the purpose of relieving, supplementing, and rendering such main sewers efficient, and for carrying into effect the several provisions in relation thereto mentioned in the said Acts, such moneys as they may think fit, not exceeding four hundred thousand pounds, in addition to any moneys which they are authorised to expend under any Acts passed previously to the passing of this Act, and for such purposes the Board may from time to time create consolidated stock, and all the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised in pursuance of this section, and all stock created under the authority of this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

14. *Expenses of inquiry as to markets.*] The Board may, as part of their general expenses, pay all costs, charges, and expenses which may be incurred by them, up to the thirty-first day of December one thousand eight hundred and eighty-two, of and incidental to any inquiry to be instituted with respect to markets for the sale of food supplies within the metropolis, as defined by the Metropolis Management Act, 1855, and preliminary to, in, and incidental to the preparing, applying for, and obtaining an Act of Parliament with respect to such markets or any of such markets.

15. *Power to Board to lend to vestry or district board*—18 & 19 *Vict. c.* 120.] Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or district board are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed two hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

16. *Power to Board to lend to board of guardians*—18 & 19 *Vict. c.* 120.] Where a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined in the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work or for the purpose of paying off any loan or debt or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit and as the board of guardians are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred and fifty thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

17. *Extension of amount of loans by Board to managers of Metropolitan Asylum District*—30 & 31 *Vict. c.* 6—32 & 33 *Vict. c.* 102.] The Board may from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, lend to the managers of the Metropolitan Asylum District, in addition to the sums heretofore authorised to be lent by the Board to the said managers, such sums as the said managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering or amending the same for the time being in force, not exceeding in the whole fifty thousand pounds, as though the said sums were included in the amount authorised to be lent for such purposes by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and the Acts amending the same.

The Board, in order to raise money for the purpose of this section, may from time to time create consolidated stock.

18. *Power to Board to lend to School Board for London*—33 & 34 *Vict. c.* 75—36 & 37 *Vict. c.* 86.] The Board may from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two, lend to the School Board for London, in accordance with the provisions of the Elementary Education Acts, 1870 and 1873, and any Act or Acts altering or amending the same for the time being in force, such sums as the said School Board are from time to time authorised to borrow by the Education Department in pursuance of the said Acts, not exceeding in the whole the sum of six hundred thousand pounds.

The Board, in order to raise money for the purpose of this section, may from time to time create consolidated stock.

The moneys so lent by the Board shall be repaid to them by the said School Board with interest within such period, not exceeding fifty years, as may be agreed upon between the Board and the said School Board, with the sanction of the Education Department, subject to the approval of the Treasury.

19. *Power to Board to lend to corporations, burial boards, &c.*—18 & 19 *Vict. c.* 120.] Where any corporation, body of commissioners, burial board, or other public body having power to levy directly or indirectly rates in respect of lands in the metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred thousand pounds.

The Board, in order to raise money for the purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of the stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of a vestry or district board constituted under the Metropolis Management Act, 1855, a board of guardians, the managers of the Metropolitan Asylum District, or the School Board for London.

20. *Power to Board to apply consolidated loans fund to make loans to local authorities, &c., in the metropolis.*] Where the Board are authorised by this Act, or the Metropolitan Board of Works (Money) Act, 1880, to make a loan to a vestry or district board constituted under the Metropolis Management Act, 1855, or to a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined by the Metropolis Management Act, 1855, or to the managers of the Metropolitan Asylum District, or to the School Board for London, or to any corporation, body of commissioners, burial board, or other public body, and are empowered, in order to raise money for any such loan, to create consolidated stock, and the loan is repayable within thirty years from the date of the loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the consolidated loans fund, and not required for the payment of the dividends on consolidated stock.

21. *Payment of expenses of Board in opposing* 44 & 45 *Vict. c. clx. in Parliament.*] The Board may, as part of their general expenses, pay all costs, charges, and expenses incurred by them preliminary to, in, and incidental to their opposition to the East London Waterworks Company Act, 1881, in Parliament.

22. *Board may raise money by bills.*] Notwithstanding anything in this Act or in any other Act relating to the Board contained, the Board, with the consent of the Treasury, may from time to time, as they think fit, raise any part of the moneys which they are by this Act authorised to raise, not exceeding in the whole the sum of five hundred thousand pounds, by the issue of bills under this Act.

23. *Form and length of currency and interest on Metropolitan bills.*] A bill under this Act (in this Act referred to as a "Metropolitan bill") shall be a bill in form prescribed by a regulation made in pursuance of this Act for the payment of the principal sum named therein, in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill.

Interest shall be payable in respect of a Metropolitan bill at such rate and in such manner as the Board, with the consent of the Treasury, may direct.

24. *Payment and applications of proceeds of Metropolitan bills and charge of bills on consolidated rate.*] All moneys raised by the issue of any Metropolitan bills shall be paid to the Board, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any Metropolitan bill to be payable shall be charged on the consolidated rate, and shall be payable out of the said rate, or, as regards principal, out of moneys raised by the creation of consolidated stock under this Act, for the purpose for which such principal money has been expended, and, as regards interest, out of the consolidated loans fund.

25. *Mode of issue of Metropolitan bills.*] With respect to the issue of Metropolitan bills the following provisions shall have effect:

(1.) Metropolitan bills shall be issued under the authority of a warrant sealed by the Board, and countersigned on behalf of the Treasury:
(2.) Each Metropolitan bill shall be for the amount directed by the Board:
(3.) Each Metropolitan bill shall be sealed by the Board, the sealing being attested by the clerk in his own name.

26. *Regulations to be made by the Board as to issue, cancellation, &c., of Metropolitan bills.*] The Board may from time to time, with the consent of the Treasury, make, and when made rescind, alter, and add to, regulations for carrying into effect the provisions of this Act with respect to Metropolitan bills, and in particular—
(1.) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of Metropolitan bills:
(2.) For regulating the issue of a new Metropolitan bill in lieu of one defaced, lost, or destroyed:
(3.) For preventing, by the use of counterfoils or of a special description of paper or otherwise, fraud in relation to the Metropolitan bills:
(4.) For the proper discharge to be given upon the payment of a Metropolitan bill.
Every regulation purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

27. *Power to create consolidated stock partially suspended while Metropolitan bills authorised to be raised.*] For the purpose of paying off the principal money of any Metropolitan bills the Board may raise any sum which they are by this Act empowered to raise by the creation of consolidated stock for the purposes for which such principal money has been expended, not exceeding the amount of such principal money; but, save as aforesaid, the powers given to the Board by this Act to raise moneys for any purposes by the creation of consolidated stock shall be suspended to the amounts and for the periods to and for which moneys are for the time being authorised by the Treasury to be raised for such purposes respectively by the issue of Metropolitan bills.

28. *Application of certain provisions of* 24 & 25 *Vict. c.* 98 *to Metropolitan bills.*] Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery" (which sections relate to the forgery of and other frauds relating to Exchequer bills), shall apply to the Metropolitan bills, and shall have effect as if "Exchequer bill" in those sections included "Metropolitan bill."

29. *Arrangement with bank as to issue, &c., of Metropolitan bills.*] The Board may enter into such arrangements with any bank approved by the Treasury for the carrying into effect the provisions of this Act with respect to the issue of the Metropolitan bills, and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto, as they may think proper and as may be approved by the Treasury.

30. 32 & 33 *Vict. c.* 102, *s.* 38, *not to extend to money raised under this Act.*] The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to moneys raised by the Board for purposes mentioned in this Act.

31. *Repayments to be carried to consolidated loans fund.*] All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

32. *Limit to exercise by Board of borrowing powers.*] During the year ending the thirty-first day of December one thousand eight hundred and eighty-two the Board shall not (except for such temporary period, not exceeding six months, as the Treasury may from time to time sanction) raise otherwise than in conformity with and to the extent mentioned in this Act any money under any powers of borrowing conferred upon the Board either by this Act or any other Act whatsoever: Provided always, that the limitations contained in this section and in section twenty-seven of the Act of 1880 shall not extend to limit or control the raising of moneys under the authority of section thirty-four of the Metropolitan Board of Works (Loans) Act, 1869, or of section eight of the Metropolitan Board of Works (Loans) Act, 1875, for the purposes in the said sections respectively mentioned.

33. *Minutes of proceedings of Board to be printed.*] From and after the passing of this Act the Board shall cause copies of the minutes of all proceedings of the Board, with the names of the members who attend each meeting, to be from time to time printed, and to be filed and kept under their direction at the principal office of the Board, and a copy of such minutes so printed and filed shall be signed by the members present, or any two of them, and all matters contained in any such copy so printed and filed, purporting to be so signed as aforesaid, shall be received as evidence without proof of any meeting of the Board having been duly convened or held, or of the presence at any such meeting of the persons named in any such printed copy as being present thereat, or of such persons being members of the Board, or of the signature of any person by whom any such copy purports to be signed, all which matters shall be presumed until the contrary be proved; and the copies of the minutes so printed, filed, and signed as aforesaid shall be in substitution for the entries of the proceedings of the Board, after the passing of this Act, required to be made, and for the books containing the same required to be kept under the direction of the Board by section sixty of the Metropolis Management Act, 1855, and all the provisions of the said Act referring or relating to such books as aforesaid shall, as to the minutes of proceedings of the Board after the passing of this Act, refer and relate to the said copies of the minutes so printed, filed, and signed as aforesaid, as though they were the books by the said section sixty required to be kept.

34. 38 & 39 *Vict. c.* 65, *s.* 15, *amended as to salary of auditor.*] Section fifteen of the Metropolitan Board of Works (Loans) Act, 1875, shall be read as if the words one hundred and fifty pounds were substituted for the words one hundred guineas.

FIRST SCHEDULE.

NEW MONEY POWERS CONFERRED IN THIS ACT.

Section of Act.	Purpose.	Amount. £	s.	d.
	SUPPLEMENTAL UP TO 31ST DEC. 1881.			
4	Fire Brigade (amount already sanctioned, £30,000)	10,000	0	0
5	Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street	3,000	0	0
	The Obelisk on the Victoria Embankment	2,000	0	0
6	Main Drainage	100,000	0	0
	UP TO 31ST DEC. 1882.			
4	Hackney Commons, should the Various Powers Bill become law	34,200	0	0
	Metropolitan Commons Supplemental Act, 1881, and purchase of land adjoining Brook Green	12,000	0	0
	Metropolitan Bridges Bill, should it become law	760,000	0	0

Section of Act.	Purpose.	Amount.
	1st Jan. to 31st Dec. 1882.	
	Minor Improvements and Contributions to Local Improvements	100,000 0 0
	Streets under Act of 1872	30,134 18 9
	Parks, commons, and open spaces	15,000 0 0
9	Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street	12,000 0 0
	Obelisk on Victoria Embankment...	
	Bridges (including Commutation of Pensions)	50,000 0 0
10	Fire Brigade	30,000 0 0
11	Streets under Act of 1877...	1,500,000 0 0
	Thames River, Prevention of Floods	90,000 0 0
12	Artizans Dwellings	300,000 0 0
13	Main Drainage	400,000 0 0
14	Loans to vestries and district boards	200,000 0 0
15	Loans to guardians...	150,000 0 0
16	Loans to Managers of Metropolitan Asylum District	50,000 0 0
17	Loans to School Board for London	600,000 0 0
18	Loans to other public bodies	100,000 0 0
		4,548,334 18 9
	Amounts included above which are re-grants of borrowing power previously granted:—	
	Minor Improvements and Contributions to Local Improvements ... ... £ 63,303 5 0	
	Fire Brigade 5,005 11 4	
	Parks, commons, and open spaces 15,000 0 0	
	Bridges (including Commutation of Pensions) 50,000 0 0	
	Thames River (Prevention of Floods) 86,934 2 4	
	Artizans Dwellings 300,000 0 0	
	Main Drainage 123,989 10 3	
	Streets under Act of 1872 ... ... 30,134 18 9	
	Streets under Act of 1877 ... ... 1,500,000 0 0	
	Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street 1,588 8 3	
	Obelisk on Victoria Embankment 7,000 0 0	
	Loans to vestries and district boards 168,750 0 0	
	Loans to guardians 47,900 0 0	
	Loans to Managers of Metropolitan Asylum District ... —	
	Loans to School Board for London 600,000 0 0	
	Loans to other public bodies 85,100 0 0	
		3,084,705 15 11
	New borrowing powers:	
	For Board ... ...£1,265,379 2s. 10d. —	
	For loans 198,250	1,463,629 2 10

SECOND SCHEDULE.

Parks and Open Spaces Acts.

Part I.

The Finsbury Park Act, 1857, 20 & 21 Vict. c. cl.
Southwark Park Act, 1864, 27 Vict. c. iv.
Gardens in Towns Protection Act, 1863, 26 Vict. c. 13.
Leicester Square Act, 1874, 37 Vict. c. x.
Open Spaces (Metropolis) Act, 1877, 40 & 41 Vict. c. 35.
Metropolitan Commons Act, 1866, 29 & 30 Vict. c. 122.
" " Amendment Act, 1869, 32 & 33 Vict. c. 107.
" " 1878, 41 & 42 Vict. c. 71.
" Supplemental Act, 1871 (Blackheath), 34 & 35 Vict. c. lvii.
" " " (Shepherd's Bush), 34 & 35 Vict. c. lxiii.
" " " 1872 (Hackney Commons), 35 & 36 Vict. c. xliii.
" " " 1873 (Tooting Beck Common) 36 & 37 Vict. c. lxxxvi.
Metropolitan Board of Works Various Powers Act, 1875 (Tooting Graveney Common), 38 & 39 Vict. c. clxxix., sec. 14.
Hampstead Heath Act, 1871, 34 & 35 Vict. c. lxxvii.
Metropolitan Commons Supplemental Act, 1877 (Clapham Common and Bostall Heath), 40 & 41 Vict. c. cci.
Plumstead Common Act, 1878, 41 & 42 Vict. c. cxlv.
Wormwood Scrubbs Act, 1879, 42 & 43 Vict. c. clx.
Metropolitan Commons Supplemental Act, 1881, (Brook Green, Eel Brook Common, &c.) c. xviii.

Part II.

Embankment Acts.

The Thames Embankment (North) Act, 1862, 25 & 26 Vict. c. 93., 26 & 27 Vict. c. 45.
Thames Embankment (South) Act, 1863, 26 & 27 Vict. c. 75.
" " Amendment Act, 1864, 27 & 28 Vict. c. cxxxv., 27 & 28 Vict. c. 61.
" " (North and South) Act, 1868, 31 & 32 Vict. c. cxi., 31 & 32 Vict. c. 43.
" " (Chelsea) Act, 1868, 31 & 32 Vict. c. cxxxv., 32 & 33 Vict. c. 134.
" " (North) Act, 1870, 33 & 34 Vict. c. xcii.
" " " 1872, 35 & 36 Vict. c. lxvi.

Thames Embankment (Land) Act, 1873, 36 & 37 Vict. c. 40.
" " (South) Act, 1873, 36 Vict c. vii.
Charing Cross and Victoria Embankment Approach Act, 1873, 36 & 37 Vict. c. c.
Metropolitan Board of Works Various Powers Act, 1876 (Chelsea Embankment), 39 & 40 Vict. c. lxxix.

CAP. XLIX.

An Act to further amend the law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. [22nd August 1881.

CAP. L.

An Act to apply the sum of Twenty-one million six hundred and ninety-five thousand seven hundred and twelve pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two. [22nd August 1881.

CAP. LI.

An Act to explain the Wild Birds Protection Act, 1880. [22nd August 1881.

Whereas under section three of the Wild Birds Protection Act, 1880, a person who within the period therein mentioned exposes or offers for sale, or has in his control or possession any wild bird recently killed or taken is liable to certain penalties therein mentioned, subject to the following exception, "unless such person shall prove that the said wild bird was either killed or taken, or bought or received during the period in which such wild bird could be legally killed or taken, or from some person residing out of the United Kingdom":

And whereas doubts have arisen with respect to the construction of the above-recited enactment, and it is expedient to remove such doubts:

Be it therefore enacted, &c.:

1. *Amendment of s. 3 of 43 & 44 Vict. c. 35.*] The above-recited exception in section three of the Wild Birds Protection Act, 1880, shall be repealed, and in lieu thereof the following enactment shall have effect:

A person shall not be liable to be convicted under section three of the Wild Birds Protection Act, 1880, of exposing or offering for sale, or having the control or possession of, any wild bird recently killed, if he satisfies the court before whom he is charged either—

(1.) That the killing of such wild bird, if in a place to which the said Act extends, was lawful at the time when and by the person by whom it was killed; or

(2.) That the wild bird was killed in some place to which the said Act does not extend, and the fact that the wild bird was imported from some place to which the said Act does not extend shall, until the contrary is proved, be evidence that the bird was killed in some place to which the said Act does not extend.

2. *Amendment of Schedule to 43 & 44 Vict. c. 35.*] The Schedule to the Wild Birds Protection Act, 1880, shall be read and construed as if the word "Lark" had been inserted therein.

3. *Short title and construction of Act.*] This Act may be cited as the Wild Birds Protection Act, 1881.

This Act shall be construed as one with the Wild Birds Protection Act, 1880, and that Act and this Act may be cited together as the Wild Birds Protection Acts, 1880 and 1881.

CAP. LII.

An Act for providing Funds to defray certain of the Expenses of the Royal University of Ireland. [22nd August 1881.

CAP. LIII.

An Act for making further provision with respect to the Redemption of the Annuity created under the East Indian Railway Company Purchase Act, 1879; and for other purposes. [22nd August 1881.

CAP. LIV.

An Act to make further provision with respect to the Indian Loan of 1879. [22nd August 1881.

CAP. LV.

An Act to make further provision respecting the National Debt and the Investment of Moneys in the hands of the National Debt Commissioners on account of Savings Banks and otherwise. [22nd August 1881.

CAP. LVI.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eighteen hundred and eighty-two, and to appropriate the Supplies granted in this Session of Parliament. [27th August 1881.

CAP. LVII.

An Act to amend the law respecting the Regulation of Her Majesty's Forces, and to amend the Army Discipline and Regulation Act, 1879. [27th August 1881.

CAP. LVIII.

An Act to consolidate the Army Discipline and Regulation Act, 1879, and the subsequent Acts amending the same. [27th August 1881.

CAP. LIX.

An Act for promoting the revision of the Statute Law by repealing various enactments chiefly relating to Civil Procedure or matters connected therewith, and for amending in some respects the law relating to Civil Procedure. [27th August 1881.

CAP. LX.

An Act to amend the Law of Newspaper Libel, and to provide for the Registration of Newspaper Proprietors. [27th August 1881.

Whereas it is expedient to amend the law affecting civil actions and criminal prosecutions for newspaper libel:

And whereas it is also expedient to provide for the registration of newspaper proprietors:

Be it enacted, &c.:

1. *Interpretation.*] In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words and phrases herein-after mentioned shall have and include the meanings following; (that is to say,)

The word "registrar" shall mean in England the registrar for the time being of joint stock companies, or such person as the Board of Trade may for the time being authorise in that behalf, and in Ireland the assistant registrar for the time being of joint stock companies for Ireland, or such person as the Board of Trade may for the time being authorise in that behalf.

The phrase "registry office" shall mean the principal office for the time being of the registrar in England or Ireland, as the case may be, or such other office as the Board of Trade may from time to time appoint.

The word "newspaper" shall mean any paper containing public news, intelligence, or occurrences, or any remarks or observations therein printed for sale, and published in England or Ireland periodically, or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts, or numbers.

Also any paper printed in order to be dispersed, and made public weekly or oftener, or at intervals not exceeding twenty-six days, containing only or principally advertisements.

The word "occupation" when applied to any person shall mean his trade or following, and if none, then his rank or usual title, as esquire, gentleman.

The phrase "place of residence" shall include the street, square, or place where the person to whom it refers shall reside, and the number (if any) or other designation of the house in which he shall so reside.

The word "proprietor" shall mean and include as well the sole proprietor of any newspaper, as also in the case of a divided proprietorship the persons who, as partners or otherwise, represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein, and no other person.

2. *Newspaper reports of certain meetings privileged.*] Any report published in any newspaper of the proceedings of a public meeting shall be privileged, if such meeting was lawfully convened for a lawful purpose and open to the public, and if such report was fair and accurate, and published without malice, and if the publication of the matter complained of was for the public benefit; provided always, that the protection intended to be afforded by this section shall not be available as a defence in any proceeding, if the plaintiff or prosecutor can show that the defendant has refused to insert in the newspaper in which the report containing the matter complained of appeared a reasonable letter or statement of explanation or contradiction by or on behalf of such plaintiff or prosecutor.

3. *No prosecution for newspaper libel without fiat of Attorney General.*] No criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a newspaper for any libel published therein, without the written fiat or allowance of the Director of Public Prosecutions in England or Her Majesty's Attorney-General in Ireland being first had and obtained.

4. *Inquiry by court of summary jurisdiction as to libel being for public benefit or being true.*] A court of summary jurisdiction, upon the hearing of a charge against a proprietor, publisher, or editor, or any person responsible for the publication of a newspaper, for a libel published therein, may receive evidence as to the publication being for the public benefit, and as to the matters charged in the libel being true, and as to the report being fair and accurate, and published without malice, and as to any matter which under this or any other Act, or otherwise, might be given in evidence by way of defence by the person charged on his trial or indictment, and the court, if of opinion after hearing such evidence that there is a strong or probable presumption that the jury on the trial would acquit the person charged, may dismiss the case.

5. *Provision as to summary conviction for libel*—42 & 43 *Vict. c.* 49—11 & 12 *Vict. c.* 43.] If a court of summary jurisdiction upon the hearing of a charge against a proprietor, publisher, editor, or any person responsible for the publication of a newspaper for a libel published therein is of opinion that though the person charged is shown to have been guilty the libel was of a trivial character, and that the offence may be adequately punished by virtue of the powers of this section, the court shall cause the charge to be reduced into writing and read to the person charged, and then address a question to him to the following effect:—"Do you desire to be tried by a jury or do you consent to the case being dealt with summarily?" and, if such person assents to the case being dealt with summarily, the court may summarily convict him and adjudge him to pay a fine not exceeding fifty pounds.

Section twenty-seven of the Summary Jurisdiction Act, 1879, shall, so far as is consistent with the tenor thereof, apply to every such proceeding as if it were herein enacted and extended to Ireland, and as if the Summary Jurisdiction Acts were therein referred to instead of the Summary Jurisdiction Act, 1848.

6. 22 & 23 *Vict. c.* 17 *made applicable to this Act.*] Every libel or alleged libel, and every offence under this Act, shall be deemed to be an offence within and subject to the provisions of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter seventeen, intituled "An Act to prevent vexatious indictments for certain misdemeanors."

7. *Board of Trade may authorise registration of the names of only a portion of the proprietors of a newspaper.*] Where, in the opinion of the Board of Trade, inconvenience would arise or be caused in any case from the registry of the names of all the proprietors of the newspaper (either owing to minority, coverture, absence from the United Kingdom, minute subdivision of shares, or other special circumstances), it shall be lawful for the Board of Trade to authorise the registration of such newspaper in the name or names of some one or more responsible "representative proprietors."

8. *Register of newspaper proprietors to be established.*] A register of the proprietors of newspapers as defined by this Act shall be established under the superintendence of the registrar.

9. *Annual returns to be made.*] It shall be the duty of the printers and publishers for the time being of every newspaper to make or cause to be made to the Registry Office on or before the thirty-first of July one thousand eight hundred and eighty-one, and thereafter annually in the month of July in every year, a return of the following particulars according to the Schedule A. hereunto annexed; that is to say,

(*a.*) The title of a newspaper:

(*b.*) The names of all the proprietors of such newspaper together with their respective occupations, places of business (if any), and places of residence.

10. *Penalty for omission to make annual returns.*] If within the further period of one month after the time hereinbefore appointed for the making of any return as to any newspaper such return be not made, then each printer and publisher of such newspaper shall, on conviction thereof, be liable to a penalty not exceeding twenty-five pounds, and also to be directed by a summary order to make a return within a specified time.

11. *Power to party to make return.*] Any party to a transfer or transmission of or dealing with any share of or interest in any newspaper whereby any person ceases to be a proprietor or any new proprietor is introduced may at any time make or cause to be made to the Registry Office a return according to the schedule B. hereunto annexed and containing the particulars therein set forth.

12. *Penalty for wilful misrepresentation in or omission from return.*] If any person shall knowingly and wilfully make or cause to be made any return by this Act required or permitted to be made in which shall be inserted or set forth the name of any person as a proprietor of a newspaper who shall not be a proprietor thereof, or in which there shall be any misrepresentation, or from which there shall be any omission in respect of any of the particulars by this Act required to be contained therein whereby such return shall be misleading, or if any proprietor of a newspaper shall knowingly and wilfully permit any such return to be made which shall be misleading as to any of the particulars with reference to his own name, occupation, place of business (if any), or place of residence, then and in every such case every such offender being convicted thereof shall be liable to a penalty not exceeding one hundred pounds.

13. *Registrar to enter returns in register.*] It shall be the duty of the registrar and he is hereby required forthwith to register every return made in conformity with the provisions of this Act in a book to be kept for that purpose at the Registry Office and called "the register of newspaper proprietors," and all persons shall be at liberty to search and inspect the said book from time to time during the hours of business at the Registry Office, and any person may require a copy of any entry in or an extract from the book to be certified by the registrar or his deputy for the time being or under the official seal of the registrar.

14. *Fees payable for registrar's services.*] There shall be paid in respect of the receipt and entry of returns made in conformity with the provisions of this Act, and for the inspection of the register of newspaper proprietors, and for certified copies of any entry therein, and in respect of any other services to be performed by the registrar such fees (if any) as the Board of Trade with the approval of the Treasury may direct and as they shall deem requisite to defray as well the additional expenses of the Registry Office caused by the provisions of this Act, as also the further remunerations and salaries (if any) of the registrar, and of any other persons employed under him in the execution of this Act, and such fees shall be dealt with as the Treasury may direct.

15. *Copies of entries in and extracts from register to be evidence.*] Every copy of an entry in or extract from the register of newspaper proprietors, purporting to be certified

by the registrar or his deputy for the time being, or under the official seal of the registrar, shall be received as conclusive evidence of the contents of the said register of newspaper proprietors, so far as the same appear in such copy or extract without proof of the signature thereto or of the seal of office affixed thereto, and every such certified copy or extract shall in all proceedings, civil or criminal, be accepted as sufficient *prima facie* evidence of all the matters and things thereby appearing, unless and until the contrary thereof be shown.

16. *Recovery of penalties and enforcement of orders.*] All penalties under this Act may be recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Summary orders under this Act may be made by a court of summary jurisdiction, and enforced in manner provided by section thirty-four of the Summary Jurisdiction Act, 1879; and, for the purposes of this Act, that section shall be deemed to apply to Ireland in the same manner as if it were re-enacted in this Act.

17. *Definitions*—14 & 15 *Vict. c.* 93.] The expression "a court of summary jurisdiction" has in England the meanings assigned to it by the Summary Jurisdiction Act, 1879; and in Ireland means any justice or justices of the peace, stipendiary or other magistrate or magistrates, having jurisdiction under the Summary Jurisdiction Acts.

The expression "Summary Jurisdiction Acts" has as regards England the meanings assigned to it by the Summary Jurisdiction Act, 1879; and as regards Ireland, means within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

18. *Provisions as to registration of newspaper proprietors not to apply to newspaper belonging to a joint stock company*—25 & 26 *Vict. c.* 89, *s.*] The provisions as to the registration of newspaper proprietors contained in this Act shall not apply to the case of any newspaper which belongs to a joint stock company duly incorporated under and subject to the provisions of the Companies Act, 1862 to 1879.

19. *Act not to extend to Scotland.*] This Act shall not extend to Scotland.

20. *Short title.*] This Act may for all purposes be cited as the Newspaper Libel and Registration Act, 1881.

The SCHEDULES to which this Act refers.

SCHEDULE A.

Return made pursuant to the Newspaper Libel and Registration Act, 1881.

Title of the Newspaper.	Names of the Proprietors.	Occupations of the Proprietors.	Places of business (if any) of the Proprietors.	Places of Residence of the Proprietors.

SCHEDULE B.

Return made pursuant to the Newspaper Libel and Registration Act, 1881.

Title of Newspaper.	Names of Persons who cease to be Proprietors.	Names of Persons who become Proprietors.	Occupation of new Proprietors.	Places of business (if any) of new Proprietors.	Places of Residence of new Proprietors.

CAP. LXI.

An Act to prohibit the Sale of Intoxicating Liquors on Sunday in Wales. [27th August 1881.

Whereas the provisions in force against the sale of fermented and distilled liquors during certain hours of Sunday have been found to be attended with great public benefits, and it is expedient and the people of Wales are desirous that in the principality of Wales those provisions be extended to the other hours of Sunday:

Be it therefore enacted, &c.:

1. *Premises where intoxicating liquors sold to be closed on Sundays in Wales.*] In the principality of Wales all premises in which intoxicating liquors are sold or exposed for sale by retail shall be closed during the whole of Sunday.

2. *Application of Licensing Acts*, 35 & 36 *Vict. c.* 94; 37 & 38 *Vict. c.* 49.] The Licensing Acts, 1872-1874, shall apply in the case of any premises closed under this Act as if they had been closed under those Acts.

3. *Commencement of Act.*] This Act shall commence and come into operation with respect to each division or place in Wales on the day next appointed for the holding of the general annual licensing meeting for that division or place.

4. *Sale of intoxicating liquors at railway stations.*] Nothing in this Act contained shall preclude the sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railway.

5. *Short title.*] This Act may be cited as the Sunday Closing (Wales) Act, 1881.

CAP. LXII.

An Act to amend the Law relating to Veterinary Surgeons. [27th August 1881.

CAP. LXIII.

An Act for providing a Superannuation Allowance for the Auditor of the Accounts of the Secretary of State for India in Council and his Assistants. [27th August 1881.

CAP. LXIV.

An Act to remove certain doubts as to the application of section twenty-four of the Prison Act, 1877, and enactments amending the same, to the Central Criminal Court district. [27th August 1881.

CAP. LXV.

An Act to facilitate leases of land for the erection thereon of Schools and Buildings for the promotion of Public Education in Ireland. [27th August 1881.

CAP. LXVI.

An Act to amend the Law regulating the Close Season for fishing for Pollen in Ireland. [27th August 1881.

CAP. LXVII.

An Act to regulate the hawking of Petroleum and other substances of a like nature. [27th August 1881.

Be it enacted, &c.:

1. *Power to hawk petroleum—34 & 35 Vict. c. 105.*] Any person who is licensed in pursuance of the Petroleum Act, 1871, to keep petroleum to which that Act applies may, subject to the enactments for the time being in force with respect to hawkers and pedlars, hawk such petroleum by himself or his servants.

2. *Regulations for hawking petroleum.*] With respect to the hawking of petroleum to which the Petroleum Act, 1871, applies, the following regulations shall be observed:

(1.) The amount of petroleum conveyed at one time in any one carriage shall not exceed twenty gallons:

(2.) The petroleum shall be conveyed in a closed vessel so constructed as to be free from leakage:

(3.) The carriage in which the vessels containing the petroleum are conveyed shall be so ventilated as to prevent any evaporation from the petroleum mixing with the air in or about the carriage in such proportion as to produce or be liable to produce an explosive mixture:

(4.) Any fire or light or any article of an explosive or highly imflammable nature shall not be brought into or dangerously near to the carriage in which the vessels containing the petroleum are conveyed:

(5.) The carriage in which the vessels containing the petroleum are conveyed shall be so constructed or fitted that the petroleum cannot escape therefrom in the form of liquid, whether ignited or otherwise:

(6.) Proper care shall be taken to prevent any petroleum escaping into any part of a house or dwelling, or of the curtilage thereof, or into a drain or sewer:

(7.) The petroleum shall be stored in some premises licensed for keeping of petroleum and in accordance with the license for such premises both every night and also when the petroleum is not in the course of being hawked:

(8.) All due precautions shall be taken for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to the vessels containing the petroleum, and every person concerned in hawking the petroleum shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of such hawking:

(9.) No article or substance of an explosive or inflammable character other than petroleum, nor any article liable to cause or communicate fire or explosion, shall be in the carriage while such carriage is being used for the purpose of hawking petroleum:

In the event of any contravention of this section with reference to any petroleum, the petroleum, together with the vessels containing and the carriage conveying the same, shall be liable to be forfeited, and in addition thereto the licensee by whom or by whose servants the petroleum was being hawked shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Provided that—

(1.) Where some servant of the licensee or other person has in fact committed the offence, such servant or other person shall be liable to the same penalty as if he were the licensee:

(2.) Where the licensee is charged with a contravention of this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if the licensee proves to the satisfaction of the court that he had used due diligence to enforce the execution of this section, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the licensee shall be exempt from any penalty.

Any petroleum other than that to which the Petroleum Act, 1871, applies while in any carriage used for the hawking of petroleum to which the Petroleum Act, 1871, applies, shall for the purposes of this section be deemed to be petroleum to which the Petroleum Act, 1871, applies.

3. *Modification of conditions of licence under 34 & 35 Vict. c. 105.*] Any conditions annexed to a licence granted in pursuance of the Petroleum Act, 1871, either before or after the passing of this Act, shall, so far as they are inconsistent with this Act, be void, but save as aforesaid nothing in this Act shall affect the application to a licensee of the provisions of the Petroleum Act, 1871, or of any licence granted thereunder.

4. *Power of constable as to prevention of offences.*] Where a constable or any officer authorised by the local authority has reasonable cause to believe that a contravention of this Act is being committed in relation to any petroleum, he may seize and detain such petroleum and the vessels and carriage containing the same, until some court of summary jurisdiction has determined whether there was or not a contravention of this Act, and section thirteen of the Petroleum Act, 1871, shall apply to such constable and officer as if he were the person named in the warrant mentioned in that section, and as if the seizure were a seizure in pursuance of that section.

5. *Saving of rights of municipal boroughs.*] Nothing in this Act contained shall extend to authorise the hawking of petroleum within the limits of any municipal borough, in which, by any lawful authority, such hawking shall have been or may hereafter be forbidden.

6. *Definitions.*] For the purposes of this Act—

The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveyance by land, in whatever manner the same may be drawn or propelled; and

A person shall be deemed for the purposes of this Act to hawk petroleum if by himself or his servants he goes about carrying petroleum to sell, whether going from town to town or to other men's houses, or selling it in the streets of the place of his residence or otherwise, and whether with or without any horse or other beast bearing or drawing burden.

7. *Short title and construction of Act—34 & 35 Vict. c. 105—42 & 43 Vict. c. 47.*] This Act may be cited as the Petroleum (Hawkers) Act, 1881.

This Act shall be construed as one with the Petroleum Acts, 1871 and 1879, and together with those Acts may be cited as the Petroleum Acts, 1871 to 1881.

CAP. LXVIII.

An Act to amend the Supreme Court of Judicature Acts; and for other purposes. [27th August 1881.

Whereas it is expedient to amend the constitution of Her Majesty's Court of Appeal, and to make further provision concerning the Supreme Court of Judicature and the officers thereof, and such other matters as are herein-after mentioned:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Supreme Court of Judicature Act, 1881.

2. *Master of the Rolls to be Judge of Appeal only—36 & 37 Vict. c. 66.*] From and after the passing of this Act the present and every future Master of the Rolls shall cease to be a judge of Her Majesty's High Court of Justice, but shall continue by virtue of his office to be a judge of Her Majesty's Court of Appeal, and shall retain the same rank, title, salary, right of pension, patronage, and powers of appointment or dismissal, and all other powers, privileges, and disqualifications now and heretofore belonging to the said office of Master of the Rolls and all other duties of the said office except that of a judge of Her Majesty's High Court of Justice: Provided that the present Master of the Rolls shall not by virtue of this Act be subject to any disqualification to which he is not by law now subject, nor shall be required to act under any commission of assize, nisi prius, oyer and terminer, or gaol delivery; and the existing personal officers of the Master of the Rolls shall continue to be attached to him and be under his authority, and to hold their respective offices upon the same tenure and in the same manner in all respects as if this Act had not passed: Provided also, that any Master of the Rolls to be hereafter appointed shall be under an obligation to go circuits and to act as a commissioner under commissions of assize, or other commissions authorised to be issued in pursuance of the Supreme Court of Judicature Act, 1873, in the

same manner in all respects as he would have been under the last-mentioned Act, or any Acts or Act amending the same, if he had continued to be a judge of the Chancery Division of the High Court of Justice.

3. *Existing vacancy in Court of Appeal not to be filled up.*] The vacancy now existing among the ordinary judges of the said Court of Appeal shall not be filled up, and the number of ordinary judges of that Court shall henceforth be five.

4. *President of Probate Division to be an ex-officio judge of Court of Appeal.*] The President for the time being of the Probate, Divorce, and Admiralty Division of the High Court of Justice shall henceforth be an ex-officio judge of Her Majesty's Court of Appeal with the same powers and in the same manner in all respects as the other ex-officio judges thereof; he shall not be entitled in the said Court to any precedence over any existing judge to which he would not have been entitled as a judge of the Supreme Court of Judicature if this Act had not passed.

5. *New judge of High Court instead of Master of the Rolls*—36 & 37 *Vict. c.* 66—38 & 39 *Vict. c.* 77.] It shall be lawful for Her Majesty to supply the vacancy in the High Court of Justice, to be occasioned by the removal therefrom of the Master of the Rolls, by the appointment, immediately after the passing of this Act, and from time to time afterwards, of a judge, who shall be in the same position as if he had been appointed a puisne judge of the said High Court in pursuance of the Judicature Acts, 1873 and 1875; and all the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, for the time being in force in relation to the qualification and appointment of puisne judges of the said High Court, and to their duties and tenure of office, and to their precedence, and to their salaries and pensions, and to the officers to be attached to the persons of such judges, and all other provisions relating to such puisne judges, or any of them, with the exception of such provisions as apply to existing judges only, shall apply to the judge appointed in pursuance of this section, in the same manner as they apply to the other puisne judges of the said High Court respectively. The judge so appointed shall be attached to the Chancery Division of the said High Court, subject to such power of transfer as is in the Supreme Court of Judicature Act, 1873, mentioned.

6. *Judge under* 40 & 41 *Vict. c.* 9.] The power given to Her Majesty by the Supreme Court of Judicature Act, 1877, to appoint a judge of the High Court of Justice in addition to the number of judges authorised to be appointed by the Supreme Court of Judicature Acts, 1873 and 1875, may be exercised by Her Majesty from time to time, so as at all times to make due provision for the business of the Chancery Division of the High Court of Justice: Provided that no such appointment shall be made unless or until the number of judges attached for the time being to the Chancery Division of the High Court, other than the Lord Chancellor, is, by death, resignation, or otherwise, reduced below five.

7. *Rolls Court chambers and clerks, &c.*] The Lord Chancellor shall have power by order under his hand to direct that the court and chambers, heretofore used by the Master of the Rolls as a judge of the Chancery Division of the High Court of Justice, shall (so long as may be necessary or convenient) be used by such judge of the said Chancery Division of the said High Court as shall be in any such order in that behalf named; and the chief and other clerks, and other officers, heretofore attached to the said court and chambers respectively, shall (subject to any rules or orders of court) be and continue attached to the judge to be named in any such order, and, after such court and chambers shall have ceased to be so used, to the judge to whom the business previously transacted in such court and chambers respectively shall be for the time being assigned.

8. *Title of justices*—40 & 41 *Vict. c.* 9.] And whereas it is expedient to amend section four of the Supreme Court of Judicature Act, 1877: Be it enacted that the exception of Presidents of Divisions from the enactment that the judges of the High Court of Justice shall be styled justices of the High Court shall not apply to any judge to be hereafter appointed who may be or become President of the Probate, Divorce, and Admiralty Division of the High Court of Justice.

9. *Appeals under Divorce Act*—39 & 40 *Viet. c.* 59.] All appeals which, under section fifty-five of the Act of the twentieth and twenty-first years of Her present Majesty, chapter eighty-five, or under any other Act, might be brought to the full court established by the said first-mentioned Act, shall henceforth be brought to Her Majesty's Court of Appeal and not to the said full court.

The decision of the Court of Appeal on any question arising under the Acts relating to divorce and matrimonial causes, or to the declaration of legitimacy, shall be final, except where the decision either is upon the grant or refusal of a decree on a petition for dissolution or nullity of marriage, or for a declaration of legitimacy, or is upon a question of law on which the Court of Appeal give leave to appeal; and, save as aforesaid, no appeal shall lie to the House of Lords under the said Acts.

Subject to any order made by the House of Lords, in accordance with the Appellate Jurisdiction Act, 1876, every appeal to the House of Lords against any such decision shall be brought within one month after the decision appealed against is pronounced by the Court of Appeal if the House of Lords is then sitting, or, if not within fourteen days after the House of Lords next sits.

This section, so far as is consistent with the tenor thereof, shall be construed as one with the said Acts.

10. *As to appeal against decrees nisi for dissolution or nullity of marriage.*] No appeal from an order absolute for dissolution or nullity of marriage shall henceforth lie in favour of any party who, having had time and opportunity to appeal from the decree nisi on which such order may be founded, shall not have appealed therefrom.

11. *Qualification of judges to sit on appeals.*] A judge who was not present and acting as a member of a divisional court of the High Court of Justice at the time when any decision which may be appealed from was made, or at the argument of the case decided, shall not, for the purposes of the fourth section of the Supreme Court of Judicature Act, 1875, be deemed to be, or to have been, a member of such divisional court.

12. *In cases of urgency, &c., one judge may officiate for another.*] In any case of urgency arising during the absence from illness or any other cause or during any vacancy in the office of any judge of the High Court of Justice to whom any cause or matter may have been according to the course of the said court or of any division thereof specially assigned, it shall be lawful for any other judge of the said court, who may consent so to do, to hear and dispose of any application for an injunction or other interlocutory order for or on behalf of the judge so absent, or in the place of the judge whose office may have so become vacant.

13. *Selection of judges for trial of election petitions*—31 & 32 *Viet. c.* 125.] The judges to be placed on the rota for the trial of election petitions in England in each year, under the provisions of the Parliamentary Elections Act, 1868, or any Act amending the same, shall henceforth be selected out of the Judges of the Queen's Bench Division of the High Court of Justice in such manner as may be provided by any Rules of Court to be made for that purpose; and, subject thereto, shall be selected as follows; (that is to say), the judges of the Queen's Bench Division of the said High Court shall, on or before the fourth day of November in every year, select, by a majority of votes, three of the puisne judges of such Division (none of whom shall be a member of the House of Lords) to be placed on the rota for the trial of election petitions during the ensuing year.

If in any case the judges of the said Division, present at the time of their meeting to make such selection, are equally divided in their choice of any judge to be placed on the rota, the Lord Chief Justice of England, or, in case of his absence, the senior judge then present, shall have a second or casting vote.

The choice of a judge to fill any occasional vacancy upon the rota, or to assist the judge on the rota as an additional judge, shall be made in like manner.

The judges, who at the time of the passing of this Act shall be upon the rota for the trial of election petitions, shall continue upon such rota until the end of the year for which they have been appointed, in the same manner as if this Act had not passed.

If at the end of the year for which any such judge shall have been appointed, whether before or after the passing

of this Act, any trial or other matter shall be pending before him, either alone or together with any other judge, and not concluded, or if, after the conclusion of any such trial or of the hearing of any such matter, judgment shall not have been given thereon, it shall be lawful for every such judge to proceed with and to conclude such pending trial or other matter, and to give judgment thereon, after the end of such year, in the same manner in all respects as if the year for which he was appointed had not expired.

14. *Jurisdiction of High Court in registration and election cases*—28 & 29 *Vict. c.* 36—31 & 32 *Vict. c.* 125—35 & 36 *Vict. c.* 60—41 & 42 *Vict. c.* 26.] The jurisdiction of the High Court of Justice to decide questions of law, upon appeal or otherwise, under the Act of the sixth and seventh years of Her Majesty, chapter eighteen, the County Voters Registration Act, 1865, the Parliamentary Elections Act, 1868, the Corrupt Practices (Municipal Elections) Act, 1872, the Parliamentary and Municipal Registration Act, 1878, or any of the said Acts, or any Act amending the same respectively, shall henceforth be final and conclusive, unless in any case it shall seem fit to the said High Court to give special leave to appeal therefrom to Her Majesty's Court of Appeal, whose decision in such case shall be final and conclusive.

15. *Quorum in Court of Criminal Appeal.*] The jurisdiction and authority in relation to questions of law arising in criminal trials, which, under section forty-seven of the Supreme Court of Judicature Act, 1873, is now vested in the judges of the High Court of Justice, may be exercised by any five or more of such judges, notwithstanding the abolition of the offices of Lord Chief Justice of the Common Pleas and Lord Chief Baron of the Exchequer; provided that the Lord Chief Justice of England shall always be one of such judges, unless, by writing under his hand or by the certificate in writing of his medical attendant, it shall appear that he is prevented, by illness or otherwise, from being present at any court duly appointed to be held for the purpose aforesaid, in which case the presence of the said Lord Chief Justice at such court shall not be necessary.

16. *Proceedings with regard to nomination of sheriffs*—24 *Geo.* 2, *c.* 48.] The proceedings for the ordaining or nominating of sheriffs, directed by an Act passed in the fourteenth year of King Edward the First, intituled "How long a Sheriff shall tarry in his Office," and by another Act passed in the twenty-fourth year of King George the Second, intituled "An Act for the abbreviation of "Michaelmas Term," to take place at the Exchequer, shall henceforth in every year take place in the Queen's Bench Division of the High Court of Justice, at the same time and in the same manner as hath been heretofore accustomed in the Court of Exchequer.

17. *Presentation and swearing of Lord Mayor of London.*] The presentation and swearing of the Lord Mayor of the city of London, which has heretofore taken place in the Court of Exchequer at Westminster after every annual election into that office, pursuant to charters granted by Her Majesty's Royal predecessors to the citizens of London, and to the herein-before recited Act of King George the Second, shall henceforth take place in the Queen's Bench Division of Her Majesty's High Court of Justice, or before the judges of that Division, at the same time and in the same manner as hath been heretofore accustomed in the Court of Exchequer.

18. *As to fixing sessions of Central Criminal Court.*] The power of making general orders for fixing the times of holding sessions of the Central Criminal Court established by the Act of the fourth and fifth years of King William the Fourth, chapter thirty-six, which by section fifteen of that Act was given to any eight or more of the judges of the Superior Courts of Westminster, may henceforth be exercised from time to time by any four or more of the judges of Her Majesty's High Court of Justice.

19. *Power to make rules under* 39 & 40 *Vict. c.* 59.] The power of making Rules of Court, conferred by section seventeen of the Appellate Jurisdiction Act, 1876, upon the several judges therein mentioned, shall henceforth be vested in and exercised by any five or more of the following persons, of whom the Lord Chancellor shall be one; namely, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, and four other judges of the Supreme Court of Judicature to be from time to time appointed for the purpose by the Lord Chancellor in writing under his hand, such appointment to continue for such time as shall be specified therein.

20. *Extension of* 32 & 33 *Vict. c.* 91, *s.* 14.] The provisions of section fourteen of the Courts of Justice (Salaries and Funds) Act, 1869, shall henceforth be applicable to all officers of the Supreme Court of Judicature and all officers in Lunacy in the same manner and subject to the same conditions as is thereby enacted concerning the officers in the Courts of Chancery, Bankruptcy, and Admiralty: Provided always, that any order to be made by the Treasury as to any officers not heretofore included within that section of the said Act shall be made with the concurrence of the Lord Chancellor, and also in the case of officers who are appointed by any other persons or person than the Lord Chancellor, either solely or jointly with the Lord Chancellor, with the concurrence of the persons or person having such power of appointment: Provided also, that no order made under this Act which would not have been heretofore authorised by the said section or otherwise by law shall without his consent apply to any officer holding any office at the time of the commencement of this Act.

21. *Notice of vacancies in offices of Supreme Court.*] Upon the occurrence henceforth of any vacancy in any office of the Supreme Court of Judicature notice thereof shall be forthwith given to the Lord Chancellor and also to the Treasury by the senior continuing or surviving officer of the department in which the vacancy shall occur, and no appointment shall be made to fill such vacancy within the period of one month next after the date of such notice without the assent of the Lord Chancellor, given with the concurrence of the Treasury; and the Lord Chancellor may, if it be necessary, make provision for such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office. The word "officer" in this Act shall not include the office of any judge of the Supreme Court of Judicature.

22. *Appointment of district registrars*—42 & 43 *Vict. c.* 78.] And whereas by the Judicature Acts, 1873, 1875, and 1877, and the Supreme Court of Judicature (Officers) Act, 1879, no provision is made for the appointment of district registrars of the High Court of Justice other than persons holding or having held the offices in section sixty of the Supreme Court of Judicature Act, 1873, and section thirteen of the Supreme Court of Judicature Act, 1875, respectively mentioned: Be it enacted, that if on any vacancy in the office of district registrar under the said Acts, or upon the appointment by any Order in Council to be hereafter made of any new district within which there shall be a district registrar (unless by such Order in Council it shall be otherwise directed), it shall appear to the Lord Chancellor, with the concurrence of the Treasury, that from the nature and amount of the business to be transacted by such district registrar it is expedient that such office should be conferred upon a person not so qualified as aforesaid, it shall be lawful for the Lord Chancellor, with the concurrence of the Treasury, to appoint to such office any solicitor of the Supreme Court of Judicature of not less than five years' standing.

A district registrar shall not, either by himself or his partner, be directly or indirectly engaged as solicitor or agent for a party to any proceeding whatsoever in the district registry of which he is registrar.

23. *Appointments to keep order, &c., in Royal Courts of Justice.*] The Lord Chancellor may from time to time, with the concurrence of the Treasury, make regulations with respect to—

(*a.*) The appointment, removal, payment, and duties of persons to keep order in the Royal Courts of Justice, provided that no such regulation shall affect any right of appointment enjoyed by any person at the time of the commencement of this Act, without his consent thereto:

(*b.*) The appointment, removal, payment, and duties of persons charged with the care and cleaning of the Royal Courts of Justice:

(*c.*) Any other matters necessary or incidental to the use or

management of the Royal Courts of Justice. Any remuneration payable under this section shall be paid out of money voted by Parliament.

24. *Powers as to solicitors*—6 & 7 *Vict. c.* 73—23 & 24 *Vict. c.* 127—40 & 41 *Vict. c.* 62.] The powers which by an Act passed in the session of the sixth and seventh years of Her present Majesty, intituled, "An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales," and by section fourteen of the Supreme Court of Judicature Act, 1875, and by the Solicitors Act, 1860, and by the Solicitors Act, 1877, and by any Act amending the said Acts respectively, are vested in the Master of the Rolls jointly with the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or with any of them, or jointly with the Presidents of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court, or with any of them, shall henceforth be vested in the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice of England, or (in case of difference) of one of them, and anything required by the said Acts to be done to or before the said Lord Chief Justices and Lord Chief Baron, or the said Presidents jointly with the Master of the Rolls, may be done to or before the Master of the Rolls, the Lord Chancellor, and the Lord Chief Justice of England.

Provision may be made by the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice of England, or (in case of difference) of one of them, for the care and custody of the Roll of Solicitors after the abolition of the office of Clerk of the Petty Bag.

25. *Chief Justice of England to have powers of Chief Justice of Common Pleas and Chief Baron of the Exchequer.*] Where by any Statute any power is given to or any act is required or authorised to be done by the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, either solely or jointly with the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice of England, and either with or without the Lord Chancellor or any judge, officer, or person, such power may henceforth be exercised and such act done by the Lord Chief Justice of England; and where by any Statute the concurrence of the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, is required for the exercise of any power, or the performance of any act, it shall be sufficient henceforth that the Lord Chief Justice of England shall concur therein.

26. *Commissioners for acknowledgments by married women.*] And whereas under the Act of the third and fourth years of King William the Fourth, chapter seventy-four, the Lord Chief Justice of the Court of Common Pleas was empowered to appoint such proper persons as he should think fit to be perpetual commissioners for taking the acknowledgments by married women of deeds to be executed by them as in the same Act provided, and such commissioners were made removable by and at the pleasure of the said Lord Chief Justice; and by divers subsequent Acts provision was made for further and other duties to be performed by such commissioners: And whereas the present Lord Chief Justice of England was before and down to the time of his appointment to that office Lord Chief Justice of the Common Pleas, and after his appointment to be Lord Chief Justice of England no other person was appointed to be Lord Chief Justice of the Common Pleas, and that office has since been abolished: Be it enacted and declared, that every appointment of any person to be a commissioner for taking such acknowledgments and performing such other duties as aforesaid, and every order for the removal of any person from such office of commissioner, which shall have been made by the present Lord Chief Justice of England at any time since his appointment to that office, or shall be hereafter made by the Lord Chief Justice of England for the time being, shall be and be deemed to have been valid and effectual in the law, to all intents and purposes whatsoever, in the same manner as if it had been made by a Lord Chief Justice of the Common Pleas before the abolition of that office.

27. *Powers to make rules for practice of county courts.*] And whereas it is expedient that the jurisdiction of county courts should be exercised as far as conveniently may be in a manner similar to that of the High Court in the like cases, and doubts have arisen as to the extent of the powers of making rules and orders for regulating the practice of county courts contained in the Act of the nineteenth and twentieth years of Her present Majesty, chapter one hundred and eight, which doubts it is expedient to remove: Be it enacted, that the power of making rules and orders for regulating the practice of county courts contained in section thirty-two of the said last mentioned Act shall be deemed to extend to all matters of procedure or practice, or relating to or concerning the effect or operation in law of any procedure or practice, in any cases within the cognizance of county courts, as to which rules of court have been or might lawfully be made by or under the provisions of the Judicature Acts, 1873 and 1875, and the Appellate Jurisdiction Act, 1876, for cases within the cognizance of Her Majesty's High Court of Justice; and any rules heretofore made under the provisions of the said first-mentioned Act, in the manner and with the concurrence thereby required, as to any such matters as aforesaid, shall be deemed to be and to have been to all intents and purposes valid and effectual in law.

CAP. LXIX.

An Act to amend the Law with respect to Fugitive Offenders in Her Majesty's Dominions, and for other Purposes connected with the Trial of Offenders.

[27th August 1881.

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Fugitive Offenders Act, 1881.

PART I.

Return of Fugitives.

2. *Liability of fugitive to be apprehended and returned.*] Where a person accused of having committed an offence (to which this part of this Act applies) in one part of Her Majesty's dominions has left that part, such person (in this Act referred to as a fugitive from that part) if found in another part of Her Majesty's dominions, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

A fugitive may be so apprehended under an endorsed warrant or a provisional warrant.

3. *Endorsing of warrant for apprehension of fugitive.*] Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the following authorities in another part of Her Majesty's dominions in or on the way to which the fugitive is or is suspected to be; (that is to say,)

(1.) A judge of a superior court in such part; and

(2.) In the United Kingdom a Secretary of State and one of the magistrates of the metropolitan police court in Bow Street; and

(3.) In a British possession the governor of that possession,

if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is endorsed, and bring him before a magistrate.

4. *Provisional warrant for apprehension of fugitive.*] A magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to that part on such information, and under such circumstances, as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom, to a Secretary of State, and if he is in a British possession, to the governor of that possession, and the Secretary of State or governor may, if he think fit, discharge the person apprehended under such warrant.

5. *Dealing with fugitive when apprehended.*] A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand

and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this part of this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, if in the United Kingdom to a Secretary of State, and if in a British possession to the governor of that possession.

Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.

6. *Return of fugitive by warrant.*] Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case,

(1.) if the fugitive is so committed in the United Kingdom, a Secretary of State; and

(2.) if the fugitive is so committed in a British possession, the governor of that possession

may, if he thinks it just, by warrant under his hand order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.

The governor or other chief officer of any prison, on request of any person having the custody of a fugitive under any such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

7. *Discharge of person apprehended if not returned within one month.*] If a fugitive who, in pursuance of this part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a superior court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom to a Secretary of State, and if the said part is a British possession to the governor of the possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.

8. *Sending back of persons apprehended if not prosecuted within six months or acquitted.*] Where a person accused of an offence and returned in pursuance of this part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after his arrival in that part, or is acquitted of the said offence, then if that part is the United Kingdom a Secretary of State, and if that part is a British possession the governor of that possession, may, if he think fit, on the request of such person, cause him to be sent back free of cost and with as little delay as possible to the part of Her Majesty's dominions in or on his way to which he was apprehended.

9. *Offences to which this part of this Act applies.*] This part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

This part of this Act shall apply to an offence notwithstanding that by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being it is not an offence, or not an offence to which this part of this Act applies; and all the provisions of this part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in such last-mentioned part of Her Majesty's dominions an offence to which this part of this Act applies.

10. *Powers of superior court to discharge fugitive when case frivolous or return unjust.*] Where it is made to appear to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

11. *Power of Lord Lieutenant in Ireland.*] In Ireland the Lord Lieutenant or Lords Justices or other chief governor or governors of Ireland, also the chief secretary of such Lord Lieutenant, may, as well as a Secretary of State, execute any portion of the powers by this part of this Act vested in a Secretary of State.

PART II.

Inter-colonial Backing of Warrants, and Offences.

Application of part of Act.

12. *Application of part of Act to group of British possessions.*] This part of this Act shall apply only to those groups of British possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same.

It shall be lawful for Her Majesty from time to time by Order in Council to direct that this part of this Act shall apply to the group of British possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this part of this Act, and to limit the application of this part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

Backing of Warrants.

13. *Backing in one British possession of warrant issued in another of same group.*] Where in a British possession of a group to which this part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that possession, and such person is or is suspected of being in or on the way to another British possession of the same group, a magistrate in the last-mentioned possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing magistrate, the person named in the warrant, and bring him before the endorsing magistrate or some other magistrate in the same British possession.

14. *Return of prisoner apprehended under backed warrant.*] The magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act and was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British possession in which the warrant was issued, and for that purpose to be delivered into the custody

of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British possession in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended. Such order for return may be made by warrant under the hand of the magistrate making it, and may be executed according to the tenor thereof.

A magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

15. *Backing in one British possession of summons, &c., of witness issued in another possession of same group.*] Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British possession of a group to which this part of this Act applies, is or is suspected of being in or on his way to any other British possession of the same group, a judge, magistrate, or other officer who would have lawful authority to issue a summons, requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a magistrate in any other British possession of the same group, if satisfied that the summons was issued by some judge, magistrate, or officer having lawful authority as aforesaid, may endorse the summons with his name; and the witness, on service in that possession of the summons, so endorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be tried and punished either in the possession in which he is served or in the possession in which the summons was issued and shall be liable to the punishment imposed by the law of the possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpœna or other process for requiring the attendance of a witness.

16. *Provisional warrant in group of British possessions.*] A magistrate in a British possession of a group to which this part of this Act applies, before the endorsement in pursuance of this part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said possession, and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly; provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may under the circumstances seem requisite.

17. *Discharge of prisoner not returned within one month to British possession of same group.*] If a prisoner in a British possession whose return is authorised in pursuance of this part of this Act is not conveyed out of that possession within one month after the date of the warrant ordering his return, a magistrate or a superior court, upon application by or on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant and to the chief officer of the police of such possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to appeal to a superior court.

18. *Sending back of prisoner not prosecuted or acquitted to British possession of same group.*] Where a prisoner accused of an offence is returned in pursuance of this part of this Act to a British possession, and either is not prosecuted for the said offence within six months after his arrival in that possession or is acquitted of the said offence, the governor of that possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back, free of cost, and with as little delay as possible, to the British possession in or on his way to which he was apprehended.

19. *Refusal to return prisoner where offence too trivial.*] Where the return of a prisoner is sought or ordered under this part of this Act, and it is made to appear to a magistrate or to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the court or magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the magistrate or court seems just.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to an appeal to a superior court.

PART III.

Trial, &c., of Offences.

20. *Offences committed on boundary of two adjoining British possessions.*] Where two British possessions adjoin, a person accused of an offence committed on or within the distance of five hundred yards from the common boundary of such possessions may be apprehended, tried, and punished in either of such possessions.

21. *Offences committed on journey between two British possessions.*] Where an offence is committed on any person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British possession, a person may be tried for such offence in any British possession of which it is the boundary:

Provided that nothing in this section shall authorise the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British possession.

22. *Trial of offence of false swearing or giving false evidence.*] A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was sworn, made, given, or fabricated, as the justice of the case may require.

23. *Supplemental provision as to trial of person in any place—37 & 38 Vict. c. 27.*] Where any part of this Act provides for the place of trial of a person accused of an offence, that offence shall, for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction of any court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with the Courts (Colonial) Jurisdiction Act, 1874.

24. *Issue of search warrant.*] Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of any part of this Act in any part of Her Majesty's dominions, or where any part of the Act provides for the place of trial of a person accused of an offence, every court and magistrate of the part in which the warrant is endorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that court or magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such court or magistrate.

35. *Removal of prisoner by sea from one place to another.*] Where a person is in legal custody in a British possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant endorsed in pursuance of this Act.

PART IV.

SUPPLEMENTAL.

Warrants and Escape.

26. *Endorsement of warrant.*] An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorise all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such endorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some magistrate in the said part or place, whether the magistrate named in the endorsement or some other.

For the purposes of this Act every warrant, summons, subpœna, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the persons signing the warrant or such endorsement dies or ceases to hold office.

27. *Conveyance of fugitives and witnesses*—17 & 18 *Vict. c.* 104.] Where a fugitive or prisoner is authorised to be returned to any part of Her Majesty's dominions in pursuance of Part One or Part Two of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of her subjects.

For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage.

The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding fifty pounds, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under the Merchant Shipping Act, 1854, and the Acts amending the same.

28. *Escape of prisoner from custody.*] If a prisoner escape, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or endorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes, and the part in which the offender is found.

Evidence.

29. *Depositions to be evidence, and authentication of depositions and warrants.*] A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act.

Provided that nothing in this Act shall authorise the reception of any such depositions, copies, certificates, or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

Miscellaneous.

30. *Provision as to exercise of jurisdiction by magistrates.*] The jurisdiction under Part One of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised,—

(1.) In England, by a chief magistrate of the metropolitan police courts or one of the other magistrates of the metropolitan police court at Bow Street; and

(2.) In Scotland, by the sheriff or sheriff substitute of the county of Edinburgh; and

(3.) In Ireland, by one of the police magistrates of the Dublin metropolitan police district; and

(4.) In a British possession, by any judge, justice of the peace, or other officer having the like jurisdiction as one of the magistrates of the metropolitan police court in Bow Street, or by such other court, judge, or magistrate as may be from time to time provided by an Act or ordinance passed by the legislature of that possession.

If a fugitive is apprehended and brought before a magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that magistrate shall order the fugitive to be brought before some magistrate having that jurisdiction, and such order shall be obeyed.

31. *Power as to making and revocation of Orders in Council.*] It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall while it is in force have the same effect as if it were enacted by this Act.

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or if not, as soon as may be after the commencement of the then next session of Parliament.

32. *Power of legislature of British possession to pass laws for carrying into effect this Act.*] If the legislature of a British possession pass any Act or ordinance—

(1.) For defining the offences committed in that possession to which this Act or any part thereof is to apply; or

(2.) For determining the court, judge, magistrate, officer, or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised; or

(3.) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act; or

(4.) In any manner for the carrying of this Act or any part thereof into effect in that possession,

it shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or ordinance, or any part thereof, shall with or without modification or alteration be recognised and given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

Application of Act.

33. *Application of Act to offences at sea or triable in several parts of Her Majesty's dominions.*] Where a person accused of an offence can, by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can, if he happens to be there, be tried; and each part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a court has jurisdiction to try him:

Provided that if such person is apprehended in the United Kingdom a Secretary of State, and if he is apprehended in a British possession, the governor of such possession, may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

34. *Application of Act to convicts.*] Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, each part of this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

35. *Application of Act to removal of person triable in more than one part of Her Majesty's dominions.*] Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions, in such case a superior court, and also if such person is in the United Kingdom a Secretary of State, and if he is in a British possession the governor of that possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part One of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

36. *Application of Act to foreign jurisdiction.*] It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British possession, and to provide for carrying into effect such application.

37. *Application of Act to, and execution of warrant in, United Kingdom, Channel Islands, and Isle of Man.*] This Act shall extend to the Channel Islands and the Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant endorsed in pursuance of Part One of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

38. *Application of Act to past offences.*] This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part Two of this Act, before the application of that part to a British possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

Definitions and Repeal.

39. *Definition of terms.*] In this Act, unless the context otherwise requires,—

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "British possession" means any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man; al territories and places within Her Majesty's dominions which are under one legislature shall be deemed to be one British possession and one part of Her Majesty's dominions:

The expression "legislature," where there are local legislatures as well as a central legislature, means the central legislature only:

The expression "governor" means any person or persons administering the government of a British possession, and includes the governor and lieutenant governor of any part of India:

The expression "constable" means, out of England, any policeman or officer having the like powers and duties as a constable in England:

The expression "magistrate" means, except in Scotland, any justice of the peace, and in Scotland means a sheriff or sheriff substitute, and in the Channel Islands, Isle of Man, and a British possession means any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial:

The expression "offence punishable on indictment" means, as regards India, an offence punishable on a charge or otherwise:

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly:

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined:

The expression "superior court" means:

(1.) In England, Her Majesty's Court of Appeal and High Court of Justice; and

(2.) In Scotland, the High Court of Justiciary; and

(3.) In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin; and

(4.) In a British possession, any court having in that possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such court or judge as may be determined by any Act or ordinance of that possession.

40. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and eighty-two, which date is in this Act referred to as the commencement of this Act.

41. *Repeal of Act in Schedule.*] The Act specified in the Schedule to this Act is hereby repealed as from the commencement of this Act:

Provided that this repeal shall not affect—

(a.) Any warrant duly endorsed or issued, nor anything duly done or suffered before the commencement of this Act; nor

(*b.*) Any obligation or liability incurred under an enactment hereby repealed; nor

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d.*) Any legal proceeding or remedy in respect of any such warrant, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such warrant may be endorsed and executed, and any such legal proceeding and remedy may be carried on, as if this Act had not passed.

SCHEDULE.

Year and Chapter.	Title.
6 & 7 Vict. c. 34.	An Act for the better apprehension of certain offenders.

CAP. LXX.

An Act to continue various expiring Laws. [27th August 1881.

CAP. LXXI.

An Act to make provision for the future administration of the Property and the performance of the Duties vested in the Commissioners of Church Temporalities in Ireland. [27th August 1881.

CAP. LXXII.

An Act to amend certain provisions of the Highways and Locomotives (Amendment) Act, 1878. [27th August 1881.

Whereas it is expedient to amend certain provisions of the Highways and Locomotives (Amendment) Act, 1878, (in this Act referred to as "the principal Act") so far as such provisions relate to the exemption of certain places from the levying or collection of county rate:

Be it therefore enacted, &c.:

1. *Amendment of s.* 13 *of* 41 & 42 *Vict. c.* 77.] From and after the passing of this Act section 13 of the principal Act shall be read and construed as though the following words were inserted therein:

"Provided further, that no part of such expenses incurred from and after the 29th day of September one thousand eight hundred and eighty-one shall be included in any precept or warrant issued by the county authority for the county of Southampton for the levying or collection within the Isle of Wight of the county rate for the said county."

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APPROPRIATION OF SUPPLIES; to apply the sum of £13,764,507 out of the Consolidated Fund to the Service of the year ending the 31st day of March 1882; and to appropriate the Supplies granted in this Session of Parliament. Ch. 56.

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——— to amend the Law respecting the Regulation of Her Majesty's Forces, and to amend the Army Discipline and Regulation Act, 1879 (42 & 43 Vict. c. 33). Ch. 57.

——— to consolidate the Army Discipline and Regulation Act, 1879 (42 & 43 Vict. c. 33), and Acts amending the same. Ch. 58.

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——— to apply the sum of £13,355,617 4s. 2d. out of the Consolidated Fund to the Service of the years ending the 31st day of March 1880, 1881, and 1882. Ch. 8.

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